City of Oakland, California

Americans with Disabilities Act Title II

Citywide Self-Evaluation Update Report

ADA Programs Division
Oakland Public Works Department
Bureau of Engineering and Construction

Prepared by
Bruckner Consultants LLC

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City of Oakland, California

Americans with Disabilities Act Title II

<u>Citywide Self-Evaluation Update Report</u>

This report was commissioned by the ADA Programs Division in 2015 as a result of Council direction to update the City of Oakland's Title II Americans with Disabilities Act Self-Evaluation and Transition Plans.

The City of Oakland ADA Self-Evaluation and Transition Plan Update 2015-2016 Project Team consisted of:

City of Oakland ADA Programs Division
- Christine Calabrese, ADA Programs Division Manager, Project Lead, and Transition Plan Update Team Lead
- Sherri Rita, ADA Programmatic Access Coordinator, Project Coordinator, and Self-Evaluation Update Team Lead

Michael Baker International
- Nick Hutton, Transition Plan Update Team Member

Bruckner Consultants, LLC
- Victoria Bruckner, Self-Evaluation Update Team Member
- William Bruckner, Self-Evaluation Update Team Member

Special thanks to the City Administrator, Department Heads, Departmental Access Coordinators, and members of the public who participated in ADA Self-Evaluation Update surveys, interviews and meetings, and who without their participation and support this report would not have been possible.

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EXECUTIVE SUMMARY

INTRODUCTION

Pursuant to the requirements of Title II of the Americans with Disabilities Act (ADA), in 1995 the City of Oakland conducted an ADA self-evaluation of its programs, activities and services to ensure that, when viewed in their entirety, these services, programs, and activities were readily accessible to and usable by individuals with disabilities. 28 C.F.R. Sections 35.105, 35.149-35.151.

At the same time, the City developed a Transition Plan which identified physical obstacles that limit program accessibility, described the methods to be used to achieve program accessibility, and set out a schedule for making the structural changes that were needed at that time. 28 C.F.R. Section 35.150(d).

It has been 20 years since Oakland's original ADA Title II Self-Evaluation and Transition Plan were completed. Over the past two decades, many changes have taken place in City of Oakland government programs, buildings and facilities. Also, in 2010, the US Department of Justice issued new regulations and guidelines for ADA compliance. Furthermore, the U.S. Department of Justice urges state or local governments to regularly update their evaluations of programs, policies and practices, and their plans for removing physical access barriers. Accordingly, the ADA Programs Division of the City of Oakland's Public Works Department has undertaken this citywide ADA self-evaluation update project.

PROJECT SCOPE

Bruckner Consultants LLC was retained by Michael Baker International, the firm hired by the City for this project, "to support the ADA Programs Division to review the ADA / 504 ADA Self-Evaluation (SE) completed in the 1990s and current ADA policies, practices and procedures; to establish the current programs, activities and services and the ADA roles and responsibilities for each City department (discipline); to identify gaps in citywide and departmental ADA compliance

policies, practices and procedures; and to provide technical assistance and training to existing and newly-identified departmental access coordinators..."[1]

The scope/scale of this Self-Evaluation Update included reviewing the City's ADA related policies, practices and procedures, reviewing a broad selection of departmental materials, surveying and interviewing City staff, and receiving feedback from Oakland residents with disabilities and other interested persons in the community. Specifics of the Self-Evaluation effort are further discussed in the Methodology Section of this report.

This is a programmatic Self-Evaluation and a separate complementary assessment of the City's physical access compliance program is underway. This report also does not contain an assessment of the City's employment policies and practices. This aspect of ADA compliance is the responsibility of the City's Human Resources Management Division, and is therefore outside the scope of the project.

OVERVIEW OF ADA TITLE II REQUIREMENTS

Title II of the ADA protects "qualified individuals with disabilities from discrimination on the basis of disability in the services, programs, or activities of all state and local governments," regardless of the government entity's size or receipt of funding.[2]

The requirements of Title II fall into four broad areas:
- general nondiscrimination requirements
- equally effective communication
- program accessibility
- employment

In addition, the ADA requires public entities to designate at least one employee to coordinate ADA compliance; develop an ADA grievance procedure; provide

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[1] *Exhibit A - Scope of Services*, City of Oakland Professional or Specialized Service Agreement
[2] *ADA Title II Technical Assistance Manual* II-1.0000

notice of ADA requirements to the public; develop a transition plan if structural changes are necessary for achieving program accessibility; and conduct a self-evaluation. 28 C.F.R. Sections 35.105-35.107; 35.150.

METHODOLOGY OF THE SELF-EVALUATION REPORT

Bruckner Consultants LLC worked in close coordination with ADA Programs Division staff: Christine Calabrese, Division Manager and the City's ADA Coordinator, and Sherri Rita, ADA Programmatic Access Coordinator, to identify the steps necessary for completing Oakland's self-evaluation update assessment.

The ADA Programs Division is responsible to coordinate citywide compliance with ADA Title II and related state and federal disability access regulations (excluding employment). Under the supervision of the City Administrator's Office (CAO), the citywide responsibilities of ADA compliance are shared by the Division and each City Department offering programs, services or activities to the public (external services). To facilitate carrying out this shared responsibility, the Division in concert with the CAO has formulated a network of Departmental Access Coordinators (DACs). Each DAC serves as the point of contact between the ADA Programs Division, staff of the Department, and members of the public, and each DAC is actively involved in City ADA compliance.

In addition to a careful review of all of the City of Oakland's ADA related policies, practices and procedures, there were three additional elements involved in this ADA self-evaluation update process: surveying selected DACs about departmental access compliance programs, activities and services; reviewing departmental materials; and receiving feedback from Oakland residents with disabilities, their family members, and representatives of local agencies that serve people with disabilities about their experiences accessing and participating in City programs, services and activities.

Steps involved in the process of surveying Departmental staff were as follows:

- Developing a 55-question online survey for City of Oakland Departmental Access Coordinators (DACs);

- Providing two training sessions to selected DACs, orienting them as to how to complete the survey, and reviewing the City's access policies and ADA compliance responsibilities;

- Distributing the online staff survey, and reviewing survey responses from DACs and other City staff; and

- In some cases, conducting follow-up telephone interviews and distributing and reviewing follow-up questionnaires.

In all, 39 City of Oakland staff gave valuable information in surveys and interviews.

Departmental materials distributed to the public that were reviewed included program brochures and application forms posted on City of Oakland Departmental web pages, special event and public meeting announcements (including, but not limited to, announcements of City Council meetings), the City of Oakland's access policy, special event policy, and ADA grievance procedure, and a selection of other materials that City Departments provide to the public.

Feedback from Oakland residents with disabilities about their experiences accessing and participating in Departmental programs, services and activities was gathered via a print and online community survey that was offered in three languages: English, Spanish and Chinese.

The announcement and distribution of the community survey took place at seven public meetings held in a range of Oakland neighborhoods and at disability and senior service facilities and was presented in multiple language formats to most effectively engage residents with disabilities.

Additional feedback was obtained through community comments given in the course of the public meeting held at City Hall, which featured the participation of four members of the Mayor's Commission on Persons with Disabilities.

SUMMARY OF FINDINGS

Citywide ADA Policies and Procedures

Bruckner Consultants LLC reviewed the City of Oakland's ADA policies, procedures and forms, including the Citywide Access Policy (AI 123), which is incorporated into this report by reference. All of these appeared to be in compliance with ADA Title II requirements.

However, at the time of the review, no notification statement of the City of Oakland's compliance with the Americans with Disabilities Act, as required by Title II, was found. The consultants supplied draft language for a City of Oakland notification statement, which was promptly posted on the ADA Programs Division's website as of May 19, 2016.

It was often difficult, or even in some cases impossible, to locate or download policies, procedures, forms and notification language on both City of Oakland and Departmental web pages. Appropriate meeting notification language was found on some web pages for the Office of the City Clerk, and for some, but not all, City Departments.

General Prohibitions Against Discrimination

Department DACs seemed well informed about nearly all of the ADA's general non-discrimination requirements. They consistently recognized that their Department's programs, activities and services were not to have exclusionary eligibility criteria, and that they are required to make reasonable modifications to program, activity and service policies, practices and procedures in order to afford equal opportunity for Oakland residents with disabilities to participate in them. They consistently stated they do not impose surcharges on individuals with disabilities to cover the cost of modifications or disability accommodations.

Department DACs stated that they took steps to not retaliate against those exercising their rights under the ADA or filing a complaint of alleged disability discrimination. They stated that they did not discriminate on the basis of anyone's known association with a person with a disability. Departments appeared to be inconsistent with respect to providing notice to the public about the ADA's

requirements and in informing the public about the City's access policy and ADA grievance procedure.

Departments that contract with third parties to provide programs, activities and services appear to routinely include the City's Contract Schedules C1 or C2, which provide a mechanism for outside agencies to acknowledge their obligations under the ADA and under the City's special events policy, in their cooperative agreements and contracts. However, only about 40% of Department DACs stated that their Departments take other actions (such as site visits, for example) to ensure that their third party contractors will not discriminate against program participants on the basis of disability. 28 C.F.R. Section 35.130(b).

Communications Access

The City Clerk's Office and KTOP indicated that they have been consistent in their provision of appropriate auxiliary aids and services at City Council and Commission meetings, and in City broadcasts. However, only 75% of other Departments stated that they take the necessary steps to afford equally effective communication to individuals with disabilities, and only 75% of Departments stated that they provided auxiliary aids and services to a person with a disability when they were needed for effective communication.

Department DACs seemed generally unfamiliar with the wide range of auxiliary aids and services that individuals with hearing, vision or speech disabilities might ask for. A few survey respondents confused other language translation with sign language interpreting. Typically, DACs appeared to be aware of using sign language interpreters or writing notes in order to communicate with someone who is Deaf, but had little knowledge of other auxiliary aids and services that might be needed or requested. Illustrative comments from the staff survey included, "would like to increase our awareness," "had no such equipment," and "could use improvement."

Many Departments indicated that they do not consistently include notice of the availability of auxiliary aids and services in their brochures, on their web pages, in their published or broadcast information, or in their special event or meeting notices.

Conversely, nearly 86% of Departments completing the survey indicated that people using the telecommunications relay service could communicate with their Department as effectively as others could.

Program Accessibility

Programmatic methods for ensuring the accessibility of programs, activities and services include consistently selecting accessible sites for the delivery of services, and for the offering of programs, activities, meetings and special events.

About 78% of staff survey respondents reported that their Departments actively work to ensure that each of their programs, activities and services, when viewed in its entirety, is accessible. About 82% of respondents indicated that their Departments only select locations for their programs, activities and services that offer, at minimum, an accessible entrance, an accessible path of travel from this entrance to the part of the building where principal program activities take place, accessible toilet facilities, and accessible parking. And, about 89% of staff respondents said that their Departments only select locations for their special events that provide, at minimum, all of the above accessibility features.

When Departments operate historic preservation programs, they must give priority to methods that provide access to all program areas to individuals with mobility disabilities. About 14% of the survey respondents reported that their Departments did operate these programs, and indicated that their Departments provided access for persons with disabilities participating in them. About 4% of respondents said that they needed to follow up at some program sites.

Maintenance of accessible features, such as elevators, wheelchair lifts, visible alarms, and assistive listening devices and systems, is critical to affording accessibility at program, activity, service and special event sites. About 78% of survey respondents reported that their Departments periodically test the usability of all features and equipment used in their programs, activities and services by participants with disabilities.

However, no survey respondents could explain the means by which this equipment is checked, or provide the schedules for regularly checking the usability of equipment and features. A few survey comments indicated that

some respondents were aware of the need for more frequent checking of the usability of accessible equipment and features.

All DACs stated that their Departments avoided carrying people with mobility disabilities as an alternative to making structural modifications to afford accessibility. About 82% of survey respondents said that their Departments do not use back doors or service elevators to provide access to individuals with disabilities.

Only about 71% of DACs indicated that their Departments have emergency evacuation procedures that take the specific needs of people with disabilities into account. A few respondents indicated that their Departments had general evacuation procedures that applied to everyone.

ADA Related Community Input

There were 72 respondents to the community online survey, and an additional two hand written responses. The City services most used by the respondents (those with at least 5 or more responses each) were libraries, senior programs, recreation, police services, public works services, paying a parking ticket, and meetings or special events.

About 95% of the survey respondents rated their experiences with accessing City services on a scale from "excellent" to "poor."

- Almost 38% (26 individuals) rated their experiences as "very good" or "excellent."

- About 40% (29 individuals) rated their experiences as "okay."

- About 22% (15 individuals) rated their experiences as "poor."

Frequently cited problems included uneven or broken sidewalks and missing or broken curb ramps; a perceived lack of on-street disabled parking spaces throughout the City; the potential removal of a frequently used bus stop without community input; the unavailability of accessible affordable housing; long waits for elevator repair at two Oakland Public Library branches; delays experienced with services such as paratransit, trash pick-up assistance, or residential disabled parking zone installation; difficulties accessing needed information via the City's

website; misunderstanding the needs of persons with hidden disabilities; and failure to accommodate persons with mental health conditions.

Also mentioned was the perceived inequitable geographical distribution of accessible recreation programs; the desire for more recreation and employment programs for young adults with autism and intellectual disabilities; and the need to improve staff interactions with individuals with intellectual disabilities and disabilities affecting speech, especially with respect to police interactions.

In listing the barriers to access that they encountered, four individuals mentioned not receiving assistance with filling out forms, five people noted that a service or program was in an inaccessible location, and four people said they did not know how to request auxiliary aids and services in advance of attending or participating in a program.

Two people were unable to obtain information or take part in City services online because the website content or forms were inaccessible. One person said they had no access to forms or other services for the visually impaired. Another person commented on the lack of a "hearing device," and one mentioned that the service counter was too high or too cluttered. One person said they were excluded from a service, program or activity because of a service animal. Their were several comments asserting the need for better staff customer service skills when serving Oakland residents with disabilities.

Additionally, about 74% of respondents (52 individuals) indicated that they did not know about the City's ADA Grievance Procedure. Of five individuals who used the grievance procedure, one was able to resolve the complaint, two were able to partially resolve their complaints, and two were unable to achieve complaint resolution.

Issues raised in comments provided at the City Hall public meeting included the need for audible traffic signals and improved safety when crossing the street in neighborhoods where large numbers of people with disabilities and seniors reside; the need for recreation and social programs for transition age youth and young adults with disabilities; and the need for more police training regarding interacting appropriately in crisis situations with persons who have autism and other disabilities that affect communication.

CONCLUSIONS AND RECOMMENDATIONS SUMMARY

Conclusions

The City of Oakland is to be commended for utilizing a proactive, rather than a reactive approach in its ADA Title II compliance efforts. This approach is in stark contrast to the responses of many public entities that have removed structural, communication and programmatic barriers to access primarily as a result of litigation. As but one example of this proactive approach, the ADA Programs Division is currently working to upgrade Departmental capacity to afford effective communication to Oakland residents with disabilities by implementing on demand Video Remote Interpreting (VRI) technology to supplement in-person interpreting services for persons who are Deaf or hard of hearing.

Since 1990, under the leadership of the ADA Programs Division, the City has developed and implemented ADA policies and procedures for all City programs, activities and services, except those concerning Title I, employment, requirements. The Division has actively worked to "support the Mayor's and City Council's social equity, sustainability and liability reduction goals" by providing programs that assist persons with disabilities to thrive in their community.[3]   To this end, the ADA Programs Division works to cultivate and support a committed network of Departmental Access Coordinators (DACs) who provide leadership for ADA implementation within each City Department.

This DAC structure facilitates prompt dissemination of ADA compliance information and resources to staff of all City Departments providing external services, and gives members of the public a knowledgeable staff member to contact regarding questions they may have about accessing Departmental services, programs and activities. Some other large cities, including the City of San Francisco, now also utilize this approach.

As the entity charged with coordinating the City's ADA Title II compliance efforts, the ADA Programs Division is actively involved in bolstering the capacity of the

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[3] About ADA Programs Division, Mission and Goals:
http://www2.oaklandnet.com/Government/o/PWA/o/EC/s/ADA/DOWD000971

DAC network. This ADA Self-Evaluation Update was, in part, conceived as a means of gathering needed information to assist the City in targeting Citywide programmatic barrier removal, and focusing on those areas where further training and resourcing of DACs may be needed.

Fully trained and resourced DACs will be able to assist external program staff in acquiring the information and skills they need to be effective agents of ADA compliance, and providers of appropriate customer service to all Oakland residents with disabilities, whether their disabilities are easily visible or hidden.

With the assistance of the ADA Programs Division and the Public Information Officer, City Departments can also work together to develop stories about disability access successes throughout the City, and use these stories as the backbone of a public information campaign that will create a more inclusive, positive flow of information to help make Oakland residents with disabilities feel fully welcomed and respected by their City.

Historically, the City of Oakland has been recognized as a national leader in promoting disability rights and providing disability access. However, during the extremely straitened economic times that followed the financial crisis of 2008, funds were short, many staff layoffs occurred, and Citywide and Departmental resources for furthering disability access and customer service were necessarily extremely limited. Nevertheless, in addition to providing critical feedback, the public has given Oakland credit for doing its best to further disability access, as the following comment from the community survey indicates:

> **"This town is doing its best to comply with the laws, both state and federal. From the Mayor to the city worker on the street, all are trying to comply with the laws. The only thing holding the City and its citizens [back] is money."**

With increasing staffing and financial resources, Oakland can proactively build the effectiveness of its ADA compliance efforts. Oakland's disability community is highly socioeconomically, politically, racially and culturally diverse. Outreach to all segments of the disability community, maintaining full membership on the Mayor's Commission on Persons with Disabilities, achieving full staffing of the ADA Programs Division and the DAC network, and increasing representation of

Oakland residents with disabilities on all City Boards and Commissions will all help to ensure that members of Oakland's disability community will remain highly vocal and active stakeholders in their City's future.

Recommendations

In all, 35 specific recommended action items were derived from perceived gaps in ADA compliance revealed through the review of City print and online documents distributed to the public, staff online survey responses, staff interview data, community survey responses, and comments at community meetings.

These action items are also presented in the *City of Oakland ADA Title II Self-Evaluation Update 2016 Action Items Log*, a document presented in table format that can be used by the City to track its compliance efforts.

The recommendations have been grouped in fourteen topic areas:

I. **Notice.** Developing and disseminating uniform language to use when notifying the public about City and Departmental ADA compliance, and informing the public about site accessibility and the availability of auxiliary aids and services when needed to ensure equally effective communication

II. **Contracting.** Bolstering the ADA compliance of program contractors.

III. **Coordination.** Developing clearer intradepartmental ADA compliance communication

IV. **ADA Programs Division Staffing**. Providing increased staffing of the ADA Programs Division, so that it is able to more effectively coordinate physical and programmatic access Citywide

V. **DAC Network.** Providing increased staffing, training, technical assistance and support to DACs

VI. **Program Access.** Improving program accessibility at selected program sites

VII. **Neighborhood Access.** Improving paths of travel and safety in neighborhoods having large numbers of residents with disabilities and seniors (who are more likely to have disabilities)

VIII.   **Equity.** Effecting the equitable distribution of accessible programs, services and facilities throughout the City, to ensure that all of Oakland's programs, activities and services, when viewed in their entirety, are accessible

IX.   **Youth.** Increasing access to City of Oakland programming for transition age youth and young adults with disabilities

X.   **Civic Access.** Increased disability community participation on City Boards and Commissions

XI.   **Police and Fire.** Increased transparency and disability community input into training of police and other City of Oakland first responders

XII.   **Effective Communications.** Improved communication access to non-emergency essential services

XIII.   **Residential Service Delivery.** Improved access and decreased waiting time for residential service delivery to Oakland residents with disabilities

XIV.   **Flow of accessibility information to residents**. Increased flow of positive information between the City of Oakland and its disability community

A detailed listing and explanation of each specific recommendation is contained in Part Four of this report.

DATA AND RESOURCES CONTAINED IN APPENDICES TO THE REPORT

Part Five of this report contains **15** appendices. These include: lists of DACs and other staff who participated in surveys and interviews; the agenda for training sessions provided to DACs; the online DAC and community surveys that were used in the project; the protocol used for follow-up telephone interviews; the follow-up questionnaire e-mailed to DACs; meeting site and attendance details concerning disability and Deaf community participation in the project; and a list and description of all of the Citywide ADA policies and procedures reviewed.

The ADA Programs Division's newly updated access policy (AI 123) is incorporated by reference. A sample facilities checklist concerning the maintenance of accessible features is included as a resource. Samples of language to be used in ADA compliance notification, and in print materials,

broadcasts, and online, when notifying the public about program accessibility, meetings, and special events are included as well. Guidelines to use when writing about people with disabilities are also provided. The previously mentioned *City of Oakland ADA Title II Self-Evaluation Update 2016 Action Items Log* constitutes the final appendix to this report.

City of Oakland

ADA Title II Citywide Self-Evaluation Update Report

Introduction - Purpose and Organization of this Report

Title II of the Americans with Disabilities Act (ADA), as amended, provides that no qualified individual with a disability shall, on the basis of disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any public entity. 42 U.S.C. Section 12132. This law follows in the long American civil rights tradition of protecting classes of individuals who have historically been subjected to discrimination.

Pursuant to Title II requirements, in 1995 the City of Oakland conducted an ADA self-evaluation of its programs, activities and services to ensure that, when viewed in their entirety, these services, programs, and activities were readily accessible to and usable by individuals with disabilities. 28 C.F.R. Sections 35.105, 35.149-35.151.

At the same time, the City developed a Transition Plan which identified physical obstacles that limit program accessibility, described the methods to be used to achieve program accessibility, and set out a schedule for making the structural changes that were needed at that time. 28 C.F.R. Section 35.150(d).

It has been 20 years since the original ADA Self-Evaluation was completed. Over the past two decades, many changes have taken place in the City of Oakland. Also, in 2010, the US Department of Justice issued new regulations and guidelines for ADA compliance.

The U.S. Department of Justice urges state or local governments to regularly update their evaluations of programs, policies and practices, and their plans for removing physical access barriers. Regularly updating self-evaluations and transition plans can help government entities monitor their compliance and stay on track with making changes to improve accessibility.[4]

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[4] *FAQs* ADA National Network

Furthermore, undertaking " a serious effort at self-assessment and consultation can diminish the threat of litigation and save resources by identifying the most efficient means of providing required access."[5]

The U.S. Department of Justice, the primary federal agency charged with enforcing the ADA, advances the principle that "being proactive is the best way to ensure ADA compliance.... Training staff on the ADA, conducting periodic self-evaluations of the accessibility of the public entity's policies, programs and facilities, and developing a transition plan to remove barriers are...proactive steps to ensure ADA compliance."[6]

Bruckner Consultants LLC was retained by Michael Baker International, the firm hired by the City for this project, "to support the ADA Programs Division to review the ADA / 504 ADA Self-Evaluation (SE) completed in the 1990s and current ADA policies, practices and procedures; to establish the current programs, activities and services and the ADA roles and responsibilities for each City department (discipline); to identify gaps in citywide and departmental ADA compliance policies, practices and procedures; and to provide technical assistance and training to existing and newly-identified departmental access coordinators..."[7]

This report is organized into five sections.

Part One is a brief summary of ADA Title II regulations and requirements.

Part Two discusses the tasks and activities that were completed in conducting this self-evaluation update, including the methods that were used to gather input from members of the disability and Deaf community.

Part Three presents a summary of the findings that resulted from conducting the self-evaluation update process.

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[5] Northwest ADA Center - http://nwadacenter.org/toolkit/self-evaluation
[6] *ADA Update: A Primer for State and Local Governments,* 2015
[7] *Exhibit A - Scope of Services*, City of Oakland Professional or Specialized Service Agreement

Part Four is an enumeration of recommended action items to address gaps in compliance. These recommendations were derived from perceived gaps in ADA compliance revealed through the review of City print and online documents distributed to the public, staff online survey responses, staff interview data, community online survey responses, and public comments at community meetings.

Part Five contains 15 appendices. These include: lists of DACs and other staff who participated in surveys and interviews; the agenda for training sessions provided to DACs; the online DAC and community surveys that were used in the project; the protocol used for follow-up telephone interviews; the follow-up questionnaire e-mailed to DACs; meeting site and attendance details concerning disability and Deaf community participation in the project; and a list and description of all of the Citywide ADA policies and procedures reviewed.

A sample facilities checklist concerning the maintenance of accessible features is included as a resource. Samples of language to be used in ADA compliance notification, and in print materials, broadcasts, and online, when notifying the public about program accessibility, meetings, and special events are included as well. Guidelines to use when writing about people with disabilities are also provided.

Finally, the *City of Oakland ADA Title II Citywide Self-Evaluation Update 2016 Action Items Log* constitutes Appendix 5.9. This document presents all of the recommended action items in a table that can be used by the City to track its compliance efforts.

This report does not contain any assessment of the City's employment policies and practices, as this aspect of ADA compliance is under the purview of the City's Human Resources Management Division, and outside the scope of the project.

Also, this report contains only a few recommendations related to the removal of structural barriers to access. The recommendations we included came from Oakland residents' comments given in the online community survey, discussed later in this report. Complete recommendations for structural barrier removal will be found, appropriately, in the updated City of Oakland ADA Transition Plan.

Part One: Title II of the ADA and Self-Evaluation Requirements

1.1   The Americans with Disabilities Act (ADA)

The Americans with Disabilities Act of 1990, as amended, is a comprehensive federal law that addresses the rights of people with disabilities. The five titles of the ADA prohibit discrimination on the basis of disability in employment, state and local government, public accommodations, commercial facilities, transportation, and telecommunications.

Title II protects "qualified individuals with disabilities from discrimination on the basis of disability in the services, programs, or activities of all state and local governments," regardless of the government entity's size or receipt of funding.[8]

The requirements of Title II fall into four broad areas:

1. *General nondiscrimination*: discrimination on the basis of disability is prohibited, and specific areas in which antidiscrimination measures must be actively taken are enumerated.

2. *Equally effective communication*: affording equally effective to people with disabilities is required, to provide them with equal opportunity to participate in programs, services and activities. When necessary for equally effective communication, auxiliary aids and services, such as sign language interpreters, assistive listening devices, captioning, and print materials in alternative formats, must be provided.

3. *Program accessibility*: programs must be administered in such a way so that, when viewed in its entirety, each program, service or activity offered to the public is accessible to and usable by individuals with disabilities.

4. *Employment*: Discrimination on the basis of disability in all of a public entity's activities related to employment is prohibited.

    As noted earlier, the City of Oakland's ADA compliance structure assigns the responsibility for meeting employment requirements to the Human Services Management Division. The current ADA Self-Evaluation Update is a project of the ADA Programs Division, and the City's ADA employment compliance is outside the scope of this project.

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[8] *ADA Title II Technical Assistance Manual* II-1.0000

In addition to the four broad areas of Title II requirements described above, the ADA requires public entities to take several administrative steps to achieve compliance. These include: designating at least one employee to coordinate ADA compliance; developing an ADA grievance procedure; providing notice of ADA requirements to the public; developing a transition plan if structural changes are necessary for achieving program accessibility; and conducting a self-evaluation. 28 C.F.R. Sections 35.105-35.107; 35.150.

1.2   The Purpose of the Self-Evaluation and the Self-Evaluation Update

In 1995, the City of Oakland conducted an ADA Title II Self-Evaluation of its programs, activities and services. As mandated, the purpose of this self-evaluation was to identify and correct City policies and practices that were inconsistent with ADA requirements[9] and to ensure that, when viewed in their entirety, these services, programs, and activities were readily accessible to and usable by individuals with disabilities. 28 C.F.R. Sections 35.105, 35.149-35.151.

The purpose of the current ADA Title II Citywide Self-Evaluation Update project is to review the City's current ADA policies, practices and procedures; to establish the current programs, activities and services and the ADA roles and responsibilities for each City Department; to identify gaps in Citywide and Departmental ADA compliance policies, practices and procedures; to draft an ADA / 504 SE Update Report and an updated Citywide Access Policy (AI 123); and to provide technical assistance and training to existing and newly-identified Departmental Access Coordinators.

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[9] *ADA Title II Technical Assistance Manual* II-8.2000

Part Two: Conducting the City of Oakland ADA Self-Evaluation Update

2.1   Methodology

An ADA Title II Self-Evaluation Update requires gathering information about the ways that a public entity provides services to, and interacts with, community members. Working in close cooperation with ADA Programs Division staff: Sherri Rita, the City's Programmatic Access Coordinator, and Christine Calabrese, the ADA Programs Division Manager/Citywide ADA Coordinator, the steps necessary for completing Oakland's self-evaluation update assessment were identified.

In addition to the review of Citywide Access and ADA-related policies and procedures, there are three elements involved in this self-evaluation update process: surveying Departmental staff about their experiences serving individuals with disabilities; reviewing Departmental materials provided to the public; and receiving feedback from Oakland residents with disabilities, their family members, and representatives of local agencies that serve people with disabilities.

2.1.1   Reviewing Citywide ADA-Policies and Procedures

The following City of Oakland Citywide ADA policies, procedures and forms, found either on the City web pages or in print, were carefully reviewed:

- City Access Policy (Administrative Instruction 123)

- ADA Title II Grievance Procedure

- Special Event Access for People with Disabilities (Administrative Bulletin, revised 2014)

- Procedures and Forms for Requesting Auxiliary Aids and Services (ASL Interpreters, Audio, Braille and Captioning)

- City Access for People with EI/MCS (Administrative Instruction 138)

- Contract Schedule C1, *Declaration of Compliance with the Americans with Disabilities Act*, and Contract Schedule 2, *Declaration of ADA Compliance for Facility Use and Special Events Agreements*

- City Website Access Policy

- On-Street Disabled Zone Parking Policy and procedures

- Auxiliary Aids and Services Request Forms

The consultants discussed the above documents with Sherri Rita and Christine Calabrese of the ADA Programs Division. See Appendix 5.4 for a description of each of these City of Oakland ADA Policies and Procedures.

2.1.2   Surveying Departmental Staff

The steps involved in this survey process included the following actions.

- Developing a 55-question online survey for City of Oakland Departmental Access Coordinators (DACs) and staff, and an incorporated explanatory glossary of ADA terms and examples. See Appendix 5.1.2.

- Providing training to the Departmental Access Coordinators (DACs) to orient them as to how to complete the survey. During these training sessions, ADA Title II requirements, citywide access policies, the role of the ADA Programs Division to ensure the city's compliance with the ADA, and the role of the Departmental Access Coordinators were reviewed. In addition, staff with disabilities from the Center for Independent Living in Berkeley and Oakland, shared their experiences and insights about people with disabilities utilizing city services. Two sessions, each four hours in length, were conducted. See Appendix 5.1 for lists of training attendees for both sessions. The agendas for these training sessions are found in Appendix 5.1.1.

- Distributing the online staff survey, and reviewing responses from DACs and other City staff. See Appendix 5.1.2 for a copy of this survey. Twenty-nine people completed the staff survey. See Appendix 5.1. for a list of the survey respondents.

  In some cases, conducting follow-up telephone interviews and distributing and reviewing follow-up questionnaires. See Appendix 5.1. for a list of the interviewees and questionnaire respondents, Appendix 5.1.3 for the interview protocol, and Appendix 5.1.4 for the follow-up questionnaire.

In all, a total of 39 City staff members, including Departmental Access Coordinators, Division and program managers, and other Department and program staff, provided invaluable information.

2.1.3   Reviewing Departmental Materials

- Online Departmental information, including Department and program descriptions, brochures and forms available from Parks and Recreation, Human Services, Economic and Workforce Development, Police, Fire, the Office of the City Clerk, and the ADA Programs Division were reviewed.

- In addition, the consultants examined a selection of other materials that Departments provide to the public, including meeting announcements and agendas, application forms, and event flyers.

2.1.4   Disability and Deaf Community Participation in the Process

- With input from Sherri Rita, developed a printed and online community survey consisting of 21 items, which was disseminated in English, Spanish and Chinese. See Appendix 5.2.1 for the community survey.

- Conducted 7 community forums and meetings held in a range of Oakland locations. These included City Hall, each Oakland senior center, and two sites in East Oakland. This outreach effort was undertaken to encourage the participation of people with disabilities from a variety of different ethnic, cultural, and language communities, including youth, adults and seniors who have disabilities, their families, and representatives of local agencies serving the disability community. See Appendix 5.2 for a list of community meeting dates and locations.

- As of May 31, 2016, a total of 74 community members completed print and online surveys.

Part Three: Findings

3.1   Citywide ADA Policies and Procedures

All of the following Citywide ADA policies and procedures appeared to be in compliance with Title II requirements.

- City Access Policy (AI 123)

- The City of Oakland Grievance Procedure for Complaints Arising Under Title II of the ADA

- Special Event Access for People with Disabilities (Administrative Bulletin, revised 2014)

- Procedures and Forms for Requesting Auxiliary Aids and Services (ASL Interpreters, Audio, Braille and Captioning)

- City Access for People with EI/MCS (AI 138)

- Contract Schedule C-1, *Declaration of Compliance with the Americans with Disabilities Act*, and Contract Schedule C-2, *Declaration of ADA Compliance for Facility Use and Special Events Agreements*

- City Website Access Policy

- On-Street Disabled Zone Parking Policy and procedures

However, at the time this review was conducted, no notification statement of the City of Oakland's compliance with the Americans with Disabilities Act, as required by Title II, was found. The consultants provided the ADA Programs Division with sample language to use in this notice. This notification was subsequently posted on the ADA Programs Division website as of May 19, 2016.

Appropriate plans and language for updating the City's Access Policy (AI 123) to bring it into conformance with certain current City procedures and the current situation of certain programs, facilities and activities, were discussed by the consultants with Sherri Rita and Christine Calabrese of the ADA Programs Division. The revised AI 123 is incorporated into this report by reference.

It was often difficult, or even in some cases impossible, to locate or download policies, procedures, forms and notification language on both City of Oakland

and Departmental web pages. Appropriate meeting notification language was found on some web pages for the Office of the City Clerk, and on meeting announcements for some, but not all, City Departments.

Therefore, it is recommended that standard ADA compliance notification language, and standard language concerning program and event site accessibility, and the availability of auxiliary aids and services and other disability accommodations, be developed and utilized on program and event announcements, and on Departmental and Citywide web pages. Procedures for posting Departmental materials on City web pages should be reviewed, to ensure that required notification is always included.

3.2   ADA Title II Administrative Requirements

3.2.1   Designating at least one employee to coordinate ADA compliance (28 C.F.R. Section 35.107(a))

A public entity that employs 50 or more persons must designate at least one employee to coordinate its efforts to comply with the ADA. Christine Calabrese, Manager of the City of Oakland ADA Programs Division, is the designated ADA Coordinator for all programs, activities and services offered by the City, except those related to employment. Compliance with the employment provisions of Title I of the ADA is the responsibility of the City of Oakland Human Resources Management Division.

The ADA Programs Division contact information (including office address, voice and TTY phone numbers, and the e-mail address) is posted on the ADA Programs Division pages of the City of Oakland website, but was not locatable elsewhere.

The City and the ADA Programs Division have recognized that it is critically important and operationally essential for Departments to have designated Access Coordinators, in addition to the City ADA Coordinator. These Departmental Access Coordinators will serve as contact points for staff, members of the public, and staff of the ADA Programs Division regarding

ADA related issues that may arise in the course of conducting Departmental programs and activities, and providing services.

The ADA Programs Division sees the process of rebuilding and revitalizing its network of Departmental Access Coordinators as central to the Self-Evaluation Update and the City's ongoing ADA compliance process. See Appendix 5.3 for a roster of DACs, current as of May 2016.

3.2.2 Posting Notice of Rights (28 C.F.R. Section 35.106)

A public entity is required to disseminate sufficient information to applicants, participants, beneficiaries and other interested persons to inform them of the rights and protections afforded by the ADA. The Notice of Rights afforded by the ADA should at minimum be posted on ADA Programs Division web pages, and ideally, should be posted on the web pages of all other City Departments. It is not found on the ADA Programs Division website, nor is it found on information provided by any other City Departments or programs.

Our review of City of Oakland and Departmental websites and other literature and materials distributed to the public revealed that most Departments and programs do not post notice of persons' rights under the ADA, do not consistently indicate the City's compliance with ADA requirements, and do not include contact information for the City ADA Coordinator, or contact information for requesting auxiliary aids and services or other disability accommodations.

3.3   ADA Title II General Requirements (28 C.F.R. Sections 35.130-35.139)

3.3.1   General prohibitions against discrimination

Departmental staff who completed the online survey understood, and adhered to, the general nondiscrimination prohibition that. *"No qualified individual with a disability shall, on the basis of disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any public entity."* 28 C.F.R. Sections 35.130. Specifically, about 93% of staff responding to the online survey stated that their Departments complied with Administrative Instruction 123, the City of Oakland's then current access policy, which provided for nondiscrimination on the basis of

disability. Staff also responded positively to the following nondiscrimination requirements outlined in Title II, as detailed below.

3.3.2   No exclusionary eligibility criteria

About 93% of staff reported that their Departments do not impose eligibility criteria that screen out or tend to screen out individuals with disabilities *"from fully and equally enjoying any service, program, or activity, unless such criteria can be shown to be necessary for the provision of the service, program, or activity being offered."* 28 C.F.R. Section 35.130 (b)(8). Furthermore, about 71% of survey respondents said that their Departments periodically reviewed policies and procedures to screen for exclusionary eligibility criteria and standards.

3.3.3   Third-party compliance with the ADA

Departments that contract with third parties to provide programs, activities and services always include the City's Contract Schedules C1 or C2 in their cooperative agreements and contracts.

Contract Schedule C-1, *Declaration of Compliance with the Americans with Disabilities Act*, provides a mechanism by which outside agencies acknowledge their general obligations under the ADA before providing goods or services to the City. Contract Schedule C-2, *Declaration of ADA Compliance for Facility Use and Special Events Agreements*, provides a mechanism by which outside agencies acknowledge their obligations under the ADA, and the City's ADA Special Events Policy, before utilizing City facilities for public events and/or delivering special event services to the City.

However, comparatively few Departments take other actions, such as site visits, for example, to ensure that their third party contractors will not discriminate against program participants on the basis of disability. 28 C.F.R. Section 35.130(b). Only about 40% of survey respondents indicated that their Departments took such actions.

3.3.4 Integrated programs

Integration is a major tenet of the ADA. About 85% of staff reported that their departments actively work to administer their programs in integrated settings.

Departmental staff also understood that they are not allowed *"to deny a qualified individual with a disability the opportunity to participate in services, programs, or activities that are not separate or different, despite the existence of permissibly separate or different programs or activities."* 28 C.F.R. Section 35.130 (b)(2). About 39% of staff indicated that people with disabilities were allowed to decline separate services and participate in regular programming. About 61% of staff responding to this survey item said it was inapplicable, because their Department did not provide separate services for people with disabilities.

3.3.5 Reasonable modifications in policies, practices, or procedures

Survey results also demonstrated that staff knew that their Departments should *"make reasonable modifications in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability, unless the public entity can demonstrate that making the modifications would fundamentally alter the nature of the service, program, or activity."* 28 C.F.R. Sections 35.130 (b)(7). About 93% of respondents reported that their Departments reasonably modified policies and practices when necessary to allow for full and equal participation of people with disabilities.

3.3.6 No surcharges

Staff knew that they may *"not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the costs of measures, such as the provision of auxiliary aids or program accessibility, that are required to provide that individual or group with the nondiscriminatory treatment required"* by the ADA. 28 C.F.R. Sections 35.130 (f). About 93% of survey respondents reported that their Departments provide program modifications without surcharges or increased fees.

3.3.7   No denial because of association

100% of staff reported that their Departments do not *"exclude or otherwise deny equal services, programs, or activities to an individual or entity because of the known disability of an individual with whom the individual or entity is known to have a relationship or association."* 28 C.F.R. Sections 35.130 (g).

3.3.8   Safety and direct threat

50% of survey respondents said their Departments apply safety requirements when providing programs, activities and services. 50% reported that their Departments did not do so. About 86% of respondents indicated that their Departments had not excluded people with disabilities because an individual posed a direct threat to the health and safety of others. About 14% said their Departments had done so. Of those who commented, most had indicated threatening behavior, which might or might not have been caused by a hidden disability, such as a mental health condition or autism.

3.3.9   Maintenance of accessible features

The majority of staff appeared to understand the importance of maintaining *"in operable working condition those features of facilities and equipment that are required to be readily accessible to and usable by persons with disabilities."* 28 C.F.R. Sections 35.133. About 78% of survey respondents reported that their Departments periodically test the usability of all features and equipment used in their programs, activities and services by participants with disabilities. However, no staff indicated the means by which this equipment is checked, or the schedules for regularly checking the usability of equipment and features. A few survey comments indicated that some staff was aware of the need for more frequent checking of the usability of accessible equipment and features.

3.3.10   No retaliation or coercion

About 96% of survey respondents indicated that their Departments took measures not to retaliate against, threaten or coerce any individual who has opposed any act or practice made unlawful by the ADA, or because the

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individual filed, or assisted with filing, an ADA grievance. 28 C.F.R. Section 35.134.

3.3.11 Service animals permitted

About 96% of staff reported that their Departments permit qualified people with disabilities to be accompanied by their service animals. 28 C.F.R. Section 35.136.

3.3.12 Mobility devices permitted

100% of survey respondents said their Departments permit individuals with mobility disabilities to use wheelchairs, manually powered mobility devices, and other power-driven mobility devices in any areas open to pedestrian use. 28 C.F.R. Section 35.137.

3.3.13 Ticketing

Only about 18% of respondents indicated that their programs or events require the purchasing of tickets. About 85% said that this item wasn't applicable because Departments did not sell tickets. About 10% reported that their Departments provide equal opportunity, via the same means and price ranges afforded to others, to purchase tickets for accessible seating. 28 C.F.R. Section 35.138.

3.4 ADA Title II Communications Access Requirements
(28 C.F.R. Sections 35.160 - 35.164)

The ADA requires that Departments take necessary steps to ensure that communications with applicants, participants, members of the public, and companions with disabilities are as effective as communications with others. 28 C.F.R. Section 35.160(a). In order to provide equal access, a public entity is required to make available appropriate auxiliary aids and services where necessary to ensure effective communication.

Staff understanding of the concept of equally effective communication for people with disabilities, and how to provide it, is often vague and incomplete. Many Department staff indicated that they provide auxiliary aids and services to Oakland residents with disabilities on request, but have an incomplete

understanding of what those aids and services are. Other Department staff state they would provide them if requested, but have not had any requests.

75% of staff survey respondents reported that their Departments took necessary steps to ensure equally effective communication for people with disabilities. 25% of respondents indicated that their Departments did not do so. Illustrative comments include the following. ". . .would like to increase our awareness." "Could use improvements." "We have gotten feedback that our website and registration forms need to be more accessible."

Similarly, 75% of survey respondents indicated that their Departments furnish auxiliary aids and services when necessary to afford equal opportunity for participation to individuals with disabilities, and 25% reported that their Departments did not do so. 75% said that in furnishing auxiliary aids and services, their Departments gave primary consideration to the expressed preferences of the person with a disability, and 25% reported that their Departments did not do so.

The most frequently mentioned auxiliary services in written survey comments and staff interviews were qualified sign language interpreters and writing notes to persons who had hearing loss. Most staff did not indicate any broader knowledge of what auxiliary aids and services were, and a few stated that their Departments "had no such equipment." A few other staff confused other language translation with sign language interpreting.

75% of respondents said their Departments refrain from requiring individuals with disabilities to bring someone with them to interpret or facilitate communication. 25% reported that their Departments did not refrain from doing so. About 68% indicated that their Departments refrained from using adult companions of people with disabilities as interpreters, and about 32% did not refrain from so doing. About 85% of respondents said their Departments refrain from using minor children to interpret or facilitate communication.

About 86% of survey respondents reported that people using telecommunications relay services were able to communicate with their Departments as effectively as others were. About 14% indicated that this was not the case.

Many departments do not consistently include notice of the availability of auxiliary aids and services in their brochures, on their web pages, in their published or broadcast information, or in their special event or meeting notices.

One especially bright note is that staff of the City Clerk's Office and KTOP has been consistent in their provision of appropriate auxiliary aids and services at City Council and Commission meetings, and in City broadcasts.

3.5   ADA Title II Program Accessibility Requirements
(28 C.F.R. Section 35.149-159)

A public entity may not deny the benefits of its programs, activities, and services to individuals with disabilities because its facilities are inaccessible. A public entity's services, programs, or activities, when viewed in their entirety, must be readily accessible to and usable by individuals with disabilities. This is known as the "program accessibility" standard.[10]

3.5.1   Methods for achieving program accessibility

Providing access to facilities through structural methods, such as alteration of existing facilities and acquisition or construction of additional facilities, is the optimum way of ensuring program accessibility. Nonstructural methods include acquisition or redesign of equipment, assignment of aides to beneficiaries, and provision of services at alternate accessible sites.[11]

The structural methods of achieving accessibility in existing facilities, as well as the accessibility of the City of Oakland's streets, roads and walkways, are all issues that are being addressed in the Transition Plan update portion of this project.

Programmatic methods for ensuring the accessibility of programs, activities and services include consistently selecting accessible sites for the delivery of services, and the offering of programs, activities, meetings and special events.

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[10]ADA Title II Technical Assistance Manual, 2010, II-5.2000

[11] ADA Title II Technical Assistance Manual, 2010, II-5.2000

About 78% of staff survey respondents reported that their Departments actively work to ensure that each of their programs, activities and services, when viewed in its entirety, is accessible. About 22% reported that their Departments do not do so.

About 82% of respondents indicated that their Departments only select locations for their programs, activities and services that offer, at minimum, an accessible entrance, an accessible path of travel from this entrance to the part of the building where principal program activities take place, accessible toilet facilities, and accessible parking. About 18% of respondents said that their Departments did not do this. About 89% of staff respondents said that their Departments only select locations for their special events that provide, at minimum, all of the above accessibility features. About 11% reported that their Departments did not do so.

3.5.2   Back doors and freight elevators

The ADA states that back doors and freight elevators can only be used as a last resort, and in very limited, and described, situations[12] About 82% of survey respondents said that their Departments do not use back doors or service elevators to provide access to individuals with disabilities.

3.5.3   Carrying an individual with a disability

Carrying persons with mobility impairments is contrary to the goal of providing accessible programs. It is not an acceptable method of achieving program access, and is allowed in only two prescribed cases.[13] 100% of staff survey respondents reported that their Departments prohibited carrying as an alternative to making structural modifications.

3.5.4   Historic preservation programs

About 82% of survey respondents said that their Departments did not operate any historic preservation programs. About 14% reported that their Departments did operate these programs, and indicated that their Departments provided

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[12] *ADA Title II Technical Assistance Manual*, 2010, II-5.2000.
[13]*ADA Title II Technical Assistance Manual*, 2010, II-5.2000.

access for persons with disabilities participating in them. About 4% of respondents said that they needed to follow up at some program sites.

3.5.5   Emergency evacuation procedures

About 71% of survey respondents reported that their Departments had policies and procedures for the evacuation of people with disabilities in emergencies. About 29% indicated that their Departments did not have evacuation procedures that specifically included the needs of people with disabilities. A few of these respondents commented that their Departments or programs had general evacuation procedures that applied to everyone.

3.6   ADA-Related Community Input

Community input for the City of Oakland's ADA Title II Self-Evaluation Update process was gathered at a series of seven public meetings held in a range of Oakland neighborhoods: at City Hall, at each City of Oakland senior center, and two East Oakland locations, to encourage the participation of people with disabilities from a variety of different ethnic, cultural, and language communities. Another primary source of community input was an online community survey, consisting of 21 items and provided in three languages: English, Spanish and Chinese.

3.6.1   Community online survey responses and feedback

As of May 31, 2016, there were 72 respondents to the community online survey, and an additional two handwritten responses.

The City services most used by the respondents (those with at least 5 or more responses each) were libraries, senior programs, recreation, police services, public works services, paying a parking ticket, and meetings or special events.

70 of the survey respondents (94.6%) rated their experiences with accessing City services on a scale from "excellent" to "poor."

- 13.5% (9 individuals) rated their experiences as "excellent."

- 23.8% (16 individuals) rated their experiences as "very good."

- 40.3% (28 individuals) of those who rated them characterized their experiences with accessing City services as "okay."

- 22.4% (15 individuals) rated their experiences as "poor."

Frequently cited problems included uneven or broken sidewalks and missing or broken curb ramps; a perceived lack of on-street disabled parking spaces throughout the City; the potential removal of a frequently used bus stop without community input; the unavailability of accessible affordable housing; long waits for elevator repair at two Oakland Public Library branches; delays experienced with paratransit, trash pick-up assistance, or residential disabled parking zone installation; difficulties accessing needed information via the City's website; misunderstanding the needs of people with hidden disabilities; and failure to accommodate persons with mental health conditions.

Also mentioned was the perceived inequitable geographical distribution of accessible recreation programs; the desire for more recreation and employment programs for young adults with autism and intellectual disabilities; and the need to improve staff interactions with individuals with intellectual disabilities, and disabilities affecting speech, especially with respect to police interactions.

70 of the 74 survey respondents (about 95%) addressed the question, "Do you believe that you or others with disabilities have been denied access to City services, or the opportunity to participate in any City programs or activities, because of a disability?" About 55% of these respondents (36 individuals) answered "yes" and 45% (30 individuals) answered "no." Additionally, about 74% of the respondents (52 individuals) indicated that they did not know about the City's ADA Grievance Procedure. Of five individuals who used the grievance procedure, one stated the complaint was resolved, two indicated they were able to partially resolve their complaints, and two stated they were unable to achieve complaint resolution.

In listing the barriers to access that they encountered, four individuals mentioned not receiving assistance with filling out forms, five people noted that a service or program was in an inaccessible location, and four people said they did not know how to request auxiliary aids and services in advance of attending or participating in a program. Two people stated they were unable to obtain

information or take part in City services online because the website content or forms were inaccessible, one person mentioned that a service counter was too high or too cluttered, and another person said they were excluded from a service, program or activity because of a service animal.

Other reasons given for denial or lack of access included all of the frequently cited problems listed above, with some additional observations, such as the following.

"City events do not include a description of what accessible conditions to expect (crowdedness, single-stall non-gendered restrooms, water fountains, easy exits, captioned speakers, noise level)." "Events such as carnivals, flea-markets, and farmer's markets are very difficult for those who are totally blind, due to lack of assistance and support." "Assistance at the ballot box for voting is not well understood or provided for individuals with intellectual and developmental disabilities, and should be." "Pools are too expensive for someone receiving SSI, paratransit tickets and writing forms too difficult for myself who struggles with limited hand mobility." "Just know that the Oakland website is terrible and cannot count on it for info."

Several comments also drew attention to staff customer service skills regarding Oakland residents with disabilities. These included the following: "When staff is called ahead of time, so I can plan, my questions take a while to be answered and sometimes never get answered at all." "It's mostly because staff doesn't have awareness of how to serve people with disabilities." "Access doesn't mean 'wheel chair' access only. Access also means help with seeing, hearing, etc. in addition to mobility. Also cognitive issues need to be addressed." "Mentally ill people are excluded."

An especially notable positive comment given in the online survey was, "This town is doing its best to comply with the laws, both state and federal. From the Mayor to the city worker on the street, all are trying to comply with the laws. The only thing holding the City and its citizens [back] is money."

3.6.2   Feedback from community meetings

The vast majority of feedback from the series of seven community meetings held throughout the City was found in survey responses. The majority of surveys responses were submitted online.

One parent at the community meeting held at City Hall on March 31, 2016 relayed her experiences witnessing a police encounter with her young adult son, who has autism and who had been acting rageful, but who had calmed down just before police arrived, after they had been called to her home. In response to this account, more disability specific hands-on crisis intervention training for first responders was recommended by the Mayor's Commission on Persons with Disabilities.

Also at this meeting, seniors with disabilities voiced their concern about safety when crossing the street in East Oakland, and described the need for better control of heavy, fast traffic flow in their neighborhood. They suggested prioritizing the installation of a traffic light with audible signals in this part of the City.

Part Four: Conclusions and Recommendations

4.1 Conclusions

The City of Oakland is to be commended for utilizing a proactive, rather than a reactive approach in its ADA Title II compliance efforts. This approach stands in stark contrast to the responses of many state and local government entities that have removed structural, communication and programmatic barriers to access primarily as a result of litigation. As but one example of this proactive approach, the ADA Programs Division is working to upgrade Departmental capacity to afford effective communication to Oakland residents with disabilities by various state of the art means, including implementing Video Remote Interpreting (VRI) capabilities citywide.

The ADA Programs Division, under the leadership of Christine Calabrese and Sherri Rita, has implemented ADA policies and procedures for all City programs, activities, and services, except those concerning Title I, employment, requirements. The Division has actively worked to "support the Mayor's and City Council's social equity, sustainability and liability reduction goals" by providing programs that assist persons with disabilities to thrive in their community.[14] To this end, it has created and trained a committed network of Departmental Access Coordinators (DACs) who are working as contact points for ADA implementation within each City Department.

This structure facilitates prompt dissemination of ADA compliance information and resources to staff of all City Departments providing external services, and gives members of the public a single point of contact in each Department. Some other large cities, including the City of San Francisco, now also utilize this approach.

As the entity charged with coordinating the City's ADA Title II compliance efforts, the ADA Programs Division is actively involved in bolstering the capacity of the DAC network. This ADA Self-Evaluation Update was, in part, conceived as a means of gathering needed information to assist the City in re-establishing the

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[14] About ADA Programs Division, Mission and Goals:
http://www2.oaklandnet.com/Government/o/PWA/o/EC/s/ADA/DOWD000971

DAC network, and to learn where further training and resourcing of DACs may be needed.

Fully trained and resourced DACs will be able to assist external program staff in acquiring the information and skills they need to be effective agents of ADA compliance, and providers of appropriate customer service to all Oakland residents with disabilities, whether their disabilities are easily visible or hidden.

With the assistance of the ADA Programs Division and the Public Information Officer, City Departments can also work together to develop stories about disability access successes throughout the City, and use these stories as the backbone of a public information campaign that will create a more inclusive, positive flow of information to help make Oakland residents with disabilities feel fully welcomed and respected by their City.

Historically, the City of Oakland has been recognized as a national leader in promoting disability rights and providing disability access. The public has given Oakland credit for doing its best, despite recent financial setbacks experienced by all municipalities, which presented challenges to maintaining a proactive approach to furthering disability access, as the following comment from the community survey indicates:

> **"This town is doing its best to comply with the laws, both state and federal. From the Mayor to the city worker on the street, all are trying to comply with the laws. The only thing holding the City and its citizens [back] is money."**

With increasing staffing and financial resources, Oakland can return to proactive ADA compliance efforts. Oakland's disability community is socioeconomically, politically, racially and culturally diverse. Outreach to all segments of the disability community, full membership on the Mayor's Commission on Persons with Disabilities, full staffing of the ADA Programs Division and the DAC network, and the increased representation of Oakland residents with disabilities on all City Boards and Commissions, will all help to ensure that members of Oakland's disability community will remain vocal and active stakeholders in their City's future.

4.2   Recommended Action Items

The following 35 recommendations were derived from perceived gaps in ADA compliance revealed through the review of City print and online documents distributed to the public, staff online survey responses, staff interview data, community online survey responses, and public comments at community meetings.

The 34 recommendations have been grouped in 14 topic areas.

The first five topic areas include the 20 recommendations that are primarily for the City's ADA Programs Division to implement with Departmental Access Coordinators and other key Department staff.

The other nine topic areas include 15 recommendations that that will involve input and participation by the ADA Programs Division, but may largely be carried out by other Divisions or City Departments.

Recommendations that are primarily for the City of Oakland's ADA Programs Division to implement with DACs and key Department staff.

Topic 1. *Uniform notice language regarding City of Oakland ADA compliance, and uniform accessibility and auxiliary aids and services request language*

1.1   Develop a City of Oakland Notice of Compliance Under the Americans with Disabilities Act, and post this Notice on the ADA Programs Division website. A sample ADA Notice is found in Appendix 5.5.

1.2   Distribute this Notice of Compliance Under the ADA to Departments to post onsite, in Departmental literature, and on Department websites. See Appendix 5.5.1 for a list of ways suggested by the US Department of Justice to provides this Notice

1.3   Ensure more prominent placement of the City of Oakland's ADA grievance procedure on City web pages and at Department and program locations.

1.4   Develop, and distribute to Departments, standardized language concerning the accessibility of special event, meeting, and program locations; the availability of auxiliary aids and services, instructions for

requesting them, and contact information for the person to request them from. Samples of this posting language are found in Appendix 5.6.

1.5   Departments should be consistently including this accessibility and auxiliary aids and services language in all of their print, online and broadcast program, meeting and special event information.

Topic 2: *Bolstering ADA compliance of program contractors*

2.1   As staff support and staffing levels increase, work with Departmental Access Coordinators and managers of programs operated by contractors to develop means for more closely and consistently monitoring contractors' compliance with ADA nondiscrimination requirements, and ADA requirements for providing equally effective communication for program participants with disabilities. Ensure that all contractors have copies of the City's ADA Grievance Procedure and AI 123, when updated.

Topic 3: *Develop clearer intradepartmental ADA compliance communication*

3.1   To facilitate ongoing ADA compliance efforts, it is recommended that each Department create and periodically update a roster of its current public programs, including the current program location, name of contractor operating the program (if any), and contact information for the program director or other responsible program staff.

3.2   In those City Departments that are quite decentralized, outreach to DACs and key program management staff to assist them to develop a clear and systematic means for ongoing communication, and for intradepartmental technical assistance, regarding ADA compliance.

3.3   Within Departments, consider appointing an additional DAC, or DACs, for specific programs, or groups of programs, that may require more intensive or specialized oversight compared to other Departmental programs. For example, programs that serve high numbers of individuals with disabilities, or that substantially differ from other Departmental programs, might require specialized subject matter expertise in order to effectively carry out the implementation of the City's access policies.

Topic 4: *Training, technical assistance, and support for DACs and staff*

4.1   Institute ADA update quarterly meetings for DACs. These will provide ADA Programs staff and DACs the ongoing opportunity to share information about their experience serving city customers who have a range of disabilities. It will also give ADA Programs staff the opportunity to provide technical assistance regarding specific issues related to ADA compliance.

4.2   Further incentivize the active participation of DACs through providing opportunities for increased compensation and more advanced training and/or certification (such as ADA Coordinator certification).

4.3   Designate a specific number of job hours per pay period for DACs to carry out Departmental ADA compliance responsibilities. Designated hours may vary from Department to Department, depending on a range of factors, including, for example, how much public contact Department staff have.

4.4   Prepare DACs to train or advise staff in their Departments about disability customer service issues. This DAC preparation could include hands-on training, and/or guidance on using print or web based resource materials.

4.5   Develop an easily accessible online DAC Toolkit on the ADA Programs Division website for use by DACs (and, potentially, members of the public). This Toolkit should include, at minimum, an updated list of DACs, the City's accessibility policy, other relevant City policies, procedures and forms, and current contact information for Oakland and other disability community resources.

4.6   Develop a series of brief FAQs, bulletins, or fact sheets that can be e-mailed to City Department staff, on a regular basis, as "disability updates," and stored on the online DAC Toolkit web page described above.

4.7   Consider instituting an online resource where DACs can share experiences, success stories and difficulties they may have faced when their Departments served city customers with disabilities.

4.8   Assist departments to develop maintenance checklists so that program staff can regularly assess the usability of accessibility equipment and features. See the sample document in Appendix 5.7.

4.9   Outreach to programs and Divisions that have only recently formally designated a staff member to serve as the single point of contact for Departmental access coordination, as part of the reestablished DAC network, to see if they have an increased need for ADA compliance related technical assistance and support.

4.10   Provide technical assistance and training to Oakland Parks and Recreation in general, and to the Human Services Department's programs specifically serving children and youth. The scope of technical assistance and training should include program planning, advertising and administration to welcome participants with disabilities; program modifications for participants with disabilities; information about currently available auxiliary aids and services; how and when to arrange for auxiliary aids and services for program participants with disabilities; and other proactive strategies for barrier removal and effective communication in these programs.

Topic 5: Increased staffing of the ADA Programs Division

5.1   Increase staffing of the ADA Programs Division, so that it is able to more effectively coordinate physical and programmatic access citywide.

Recommendations that will involve input and participation by the ADA Programs Division, but may largely be carried out by other Divisions or City Departments.

Topic 6: Improved program access at selected program sites

6.1   If possible, work closely with Head Start to facilitate nonstructural methods of barrier removal, and to ensure staff fulfills their obligations to make program modifications, and to provide access to auxiliary aids and services to children and their families who participate in Head Start / Early Head Start programs.

6.2 At all City sites managed by third party contractors, ensure that contractors are aware of their obligation to comply with City access policies, and include these sites in any building and facility surveys and prioritization, as part of the City's ADA Transition Plan Update.

6.3 At all City recreation facilities, conduct surveys of current conditions to identify physical access barriers as part of ADA Transition Plan Update.

6.4 Assess City recreation programs, to ensure each program is available at geographically dispersed and accessible locations with proximity to public transportation.

6.5 As part of the City's ADA Transition Plan, schedule improvements at facilities experiencing a high level of participation by individuals with disabilities to provide for increased and enhanced accessibility, such as provision of additional accessible parking spaces, or other amenities that go beyond minimum access requirements.

Topic 7: *Improved path of travel access and traffic safety in neighborhoods with large numbers of people with disabilities and seniors*

7.1 Place path of travel renovations, including sidewalk repair, and curb ramp and audible traffic signal installation, in a higher tier of priority for neighborhoods having large numbers of residents with disabilities and seniors (who are statistically more likely to have disabilities).

7.2 Administer the City's various transportation programs to ensure that decisions regarding transportation improvements and changes are only made after fully considering the potential impacts on travelers with disabilities, especially pedestrians with disabilities. In addition to adhering to the priorities set forth in the ADA and related standards and guidelines for prioritizing right of way accessibility improvements, implement transportation projects in a manner that prioritizes bringing accessibility features to those parts of the City which higher concentrations of persons with disabilities reside in or utilize.

Topic 8: *Equitable distribution of accessible services and facilities throughout the City, to ensure that all of Oakland's programs, activities and services, when viewed in their entirety, are accessible.*

8.1   Work to ensure that residents with disabilities in all of Oakland's neighborhoods have access to an equally effective and equally representative range of all community services (including, for example, social and recreational programs). This might involve relocating some programs to accessible facilities in different neighborhoods than the ones in which they are currently located, or making structural modifications to existing facilities in neighborhoods which have these services, but do not offer them in facilities that are accessible.

Topic 9: *Increased access to City of Oakland programming for transition age youth and young adults with disabilities.*

9.1   As City financial and staffing resources become more available, provide more recreational, social, pre-vocational and job-related program participation options for transition age youth and young adults with disabilities.

Topic 10: *Increased disability community input on City Boards and Commissions*

10.1   Work with the Mayor's Commission on Persons with Disabilities and City Boards and Commissions, including, among others, the Workforce Investment Board and the Police Review Board, to increase recruitment and representation from Oakland's disability community.

Topic 11: *Increased transparency and disability community participation in training of police and other City of Oakland first responders*

11.1   Work with the Mayor's Commission on Persons with Disabilities, interested members of Oakland's disability community, and Oakland Police Department representatives to improve curriculum and increase hands-on training time devoted to first responders' crisis intervention response in situations involving people with disabilities who have

communication difficulties (such as autism, intellectual disabilities, speech disabilities, mental health conditions, hearing loss, and vision loss).

Topic 12: *Improved communication access to non-emergency essential services*

12.1   Ensure the existence of telephone and TTY numbers for police and fire services that are of a non-emergency nature. Advertise those non-emergency contact numbers prominently on OFD, OPD, and City of Oakland web pages, and in brochures, flyers and other print and broadcast materials.

12.2   Continue to implement Text to 9-1-1 services.

Topic 13: *Improved access and decreased waiting time for residential service delivery to Oakland residents with disabilities*

13.1   As Departmental staffing and funding resources increase, work to decrease waiting time for receipt of services at residential locations, such as blue zone parking installation, trash pick-up assistance, and OPED, for Oakland residents with disabilities who apply for these services.

Topic 14: *Increased flow of positive information between the City of Oakland and its disability community*

14.1   Work together with the Public Information Office and other City Departments to develop a series of "accessibility success stories" regarding the City of Oakland's successfully affording full access to its programs activities and services to Oakland residents with both visible and hidden disabilities. Publicize these stories in the community via online postings, television and radio PSAs, billboards, local news stories, and other appropriate means.

Part Five: Appendices

5.1   City of Oakland Staff Participation in the SE Update Process
(Lists of DACs and staff who**:** attended the self-evaluation update orientation training sessions**;** submitted online surveys**;** participated in follow-up telephone interviews**;** and/or completed follow-up e-mailed questionnaires)

5.1.1 Orientation Training Agenda

5.1.2 DAC Online Survey

5.1.3 Follow-up Telephone Interview Protocol

5.1.4 Follow-up Questionnaire

5.2   Disability and Deaf Community Participation in the SE Update Process
(Lists of the dates, locations, and numbers of people attending each event; and the total number of community members completing the survey)

5.2.1 The City of Oakland Disability and Deaf Community Survey

5.3   Roster of DACs (current as of May 2016)

5.4   City of Oakland ADA Policies and Procedures

5.5   ADA Notice (sample)

5.5.1 Posting Notice: Where and how to post

5.6   Accessible Meeting Information

5.7   Daily Facility Checklist: Maintenance of Accessible Features (sample)

5.8   Guidelines for Writing About People With Disabilities

5.9   City of Oakland ADA Title II Citywide Self-Evaluation Update 2016 Action Items Log

5.1   City of Oakland Staff Participation in the SE Update Process

The following are the lists of DACs and staff who attended the self-evaluation update orientation training sessions, submitted online surveys, participated in follow-up interviews, and/or completed follow-up questionnaires.

DAC Self-Evaluation Update Orientation Training Participants

<u>February 10, 2016 Session</u>

City Clerk: Sandy Wong
Economic & Workforce Development: Donna Howell
Housing & Community Development: Sylvia Shannon
Human Services: Scott Means
Mayor/Oakland residents Assistance Center: Al Lujan
Parks & Recreation: Erin Burton
Police: Cecilia Belue

<u>February 17, 2016 Session</u>

Clerk/KTOP: Michael Munson
Finance: David Jones
Fire: Genevieve Pastor-Cohen
Information Technology: Annie To
Library: Jamie Turbak
Planning and Building: Kevin Dumford
Police: Doria Neff
Police: Jenny Lim

DACs and Other Staff Completing SE Online Survey

15 Departments   29 Respondents

ADA Programs Division	Sherri Rita
Animal Services	Eugenia Taulealo
City Auditor	Timothy Knight (DAC) - written response
City Clerk	Sandy Wong (DAC)

City Clerk/KTOP	Michael Munson (DAC)
Economic & Workforce Development -- Real Estate Division -- Broadway Shuttle -- Business Assistance Center	 Nalungo Conley Zach Seal Susana Villarreal
Finance – Treasurer Finance -- Revenue Management Bureau	David Jones (DAC) Shahla Azimi (DAC)
Fire	Genevieve Pastor-Cohen (DAC)
Housing & Community Development	Sylvia Shannon (DAC)
Human Services -- Aging & Adult Senior Services -- Children & Youth Services -- MSSP -- ASSETS -- OPED -- Sr. Companion/Foster Grandparent -- Oakland Unite	 Scott Means (DAC) Sachelle Heavens (DAC) Karyl Eckels Dan Ashbrook Hakeim McGee Andrea Turner Peter Kim
Library	Jamie Turbak (DAC)
Mayor/Oaklanders Assistance Center	Al Lujan (DAC)
Parks & Recreation – Inclusion Parks & Recreation -- Aquatics	Erin Burton (DAC) Tiffanie Lai Inouye
Planning & Building -- Building Services Planning & Building -- Planning Division	Kevin Dumford (DAC) Aubrey Rose (DAC)
Police Police -- Training Division	Jennie Lim Doria Neff (DAC) with additional input from A Bautista, D Hoppenhauer, J Mendez, A Pierce, S McDaniel, A Sydney, and D Taylor
Public Works -- Bureau of Engineering & Construction -- Public Works - Bldg Services/Facilities	 Christine Calabrese (City ADA Coord) Derin Minor (DAC)

DACs and Other Staff Participating in Follow-up Telephone Interviews

Economic & Workforce Development:
   Administrative Services - Donna Howell
   Business Assistance Center - Susana Villarreal
   Downtown Broadway Shuttle - Zach Seal
   Public Arts and Cultural Funding Programs - Kristen Zarembra
   Workforce Investment Board - Lazandra Dial
Fire:
   Emergency Services - Genevieve Pastor-Cohen
Housing & Community Development:
    Sylvia Shannon
Planning & Building:
   Kevin Dumford
Police:
   Officer Doria Neff
   Jenny Lim
Public Works:
   Derin Minor

DACs and Other Staff Completing Follow-up Questionnaires

   City Clerk: Sandy Wong
   Clerk/KTOP: Michael Munson
   Human Services: Scott Means
   Library: Jamie Turbak
   Mayor/Oakland residents Assistance Center: Al Lujan
   Parks & Recreation: Erin Burton

5.1.1 SE Update Orientation Training Agenda

Oakland ADA Self-Evaluation Update Orientation
A Training for City of Oakland Staff

Presented by the
Oakland ADA Programs Division
February 10 and 17, 2016

Speakers:

Sherri Rita / ADA Program Access Coordinator / ADA Programs Division

Christine Calabrese / ADA Programs Division and BRT Program Manager

Victoria Bruckner and William Bruckner / Bruckner Consultants LLC
Margie Cochran and Senya Hawkins / CIL Berkeley and Oakland

Agenda:

1:05   Welcome: Introductions, agenda review, goals of the training

1:15   The Americans with Disabilities Act and the City of Oakland

- How the City has implemented the ADA

- The role of the Departmental Access Coordinator

- The ADA Self-Evaluation update

- About the ADA

1:40   Definitions and demographics: Who are people with disabilities?

2:00   The requirements of Title II of the ADA

2:30   Break

2:45   Experiences of people with disabilities

- Members of the disability community share their experiences utilizing city services and participating in city programs and activities

3:10   Completing the staff survey

- Step-by-step review of the survey

4:40   Next steps in the process

5:00   Adjournment

5.1.2 DAC Online Survey

City of Oakland ADA Title II Self-Evaluation

INSTRUCTIONS

This survey serves as an update to the City of Oakland's Self-Evaluation as mandated by the Americans with Disabilities Act and its implementing regulations under Title 28 of the Code of Federal Regulations (28 C.F.R. Part 35).

Each question seeks information about your Department's policies and practices in delivering its programs, activities, and services to the public. This survey is not seeking information regarding your Department's policies or practices regarding City of Oakland employment or employees.

This survey consists of five (5) sections, totaling 55 questions, and is estimated to take approximately one to two hours to complete:

Section One (5 questions)

Section Two (26 questions)

Section Three (11 questions)

Section Four (6 questions)

Section Five (7 questions)

If you are unable to complete the survey in one sitting, you can leave your browser open and your computer on and return to the survey later. Survey responses are due no later than February 26, 2016.

If you have any questions about this survey or encounter technical difficulties, please contact Sherri Rita, Citywide ADA Programmatic Access Coordinator, at srita@oaklandnet.com or 510.238.6919.

Your Information

Your Name:

Phone Number:

E-mail Address**:**

Your Role:

Check all that apply

Designated Departmental Access Coordinator (DAC)
Department Head
Other (Please describe below)

Name of Department:

Name of DAC (if not you):

DAC Phone Number (enter N/A if already entered):

DAC E-mail Address (enter N/A if already entered):

Section One: About Your Department

1. Has your Department appointed a Departmental Access Coordinator
    (DAC)?

YES / NO

If YES, name of DAC:

Term: Departmental Access Coordinator (DAC)

Departmental Access Coordinator (DAC) is the individual designated by the Department Head to serve as a single point of contact for the public and the ADA Programs Division regarding disability access in Departmental programs, services, and activities. The DAC will have knowledge of the programs, activities, and services of the Department, city access policies and resources for obtaining auxiliary aids and services, and other methods for achieving program access. The DAC works in coordination with and with the support of the ADA Programs Division in implementing citywide access policies at the program level, including the provision of technical assistance and training to program staff, complaint investigations, and resolution.

Section One: About Your Department (cont.)

2.   In your opinion, is your Departmental DAC sufficiently trained and resourced to provide technical assistance and direction to staff on how to provide access to persons with disabilities to all departmental programs, activities, and services?

YES / NO / N/A

If NO or N/A, please provide an explanation:

3.   Does your Department provide periodic staff training or take other measures to ensure that staff is familiar with the City's and your Department's policies and practices for the full participation of persons with disabilities in your programs, activities, and services?

YES / NO

Please provide an explanation for your answer above:

4.   Are your Department's services primarily external (for members of the public) or internal (for other City units and staff), or a combination of both?

INTERNAL /EXTERNAL /BOTH

If BOTH, describe:

5.   Does your Department offer specialized services for persons with disabilities?

YES / NO

If YES, please describe

Section Two: General Requirements

1.   Does you Department adhere to City Administrative Instruction #123, the City Access Policy?
http://www2.oaklandnet.com/oakca1/groups/pwa/documents/ai/oak044624.pdf

YES / NO

If you answered NO to the previous question, please provide an explanation:

2.   Does your Department actively work to administer its programs, services, and activities so as to not exclude qualified individuals with disabilities from participation in or the benefits of your programs, services, or activities? 28 C.F.R. §35.130(a).

YES / NO

If you answered NO to the previous question, please provide an explanation:

_____

Term: Qualified individual with a disability

Qualified individual with a disability means an individual with a disability who, with or without reasonable modifications to rules, policies, or practices, the removal of architectural, communication, or transportation barriers, or the provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by a public entity.   28 CFR § 35.104.

3.   Does your Department periodically review its policies and practices to determine whether any include eligibility criteria or standards that screen out or tend to screen out qualified persons with disabilities or a class of individuals with disabilities in its programs, activities, and services? 28 C.F.R. §35.130(b)(8).

YES / NO

If you answered NO to the previous question, please provide an explanation

_____

Term: Eligibility criteria or standards that screen out or tend to screen out individuals with disabilities

It is discrimination for a state or local government to apply eligibility criteria or standards that screen out or tend to screen out individuals with disabilities from fully and equally enjoying any goods or services. 28 CFR §35.130(b)(8)

Example

An individual is required to present a driver's license to reserve a space at a at a city facility for a private event. Such a requirement could prevent a person who due to disability is unable to drive from successfully participating in a city's facility rental program.

Section Two: General Requirements (cont.)

4.   Does your Department include in its cooperative agreements, contracts, or other arrangements with third parties contract schedule C1 or C2 and or use other mechanisms to ensure the that the third party will not discriminate against program participants on the basis of disability? 28 C.F.R. §35.130(b).

YES / NO

N/A, THERE ARE NO THIRD PARTIES INVOLVED IN ADMINISTERING OR DELIVERING DEPARTMENTAL PROGRAMS.

Term: Contracts

A state or local government that enters into a contract with a private entity must ensure that the activity operated under the contract is in compliance with the ADA. 28 CFR §35.102.

In other words, the ADA prohibits discrimination on the basis of disability in those activities of a public entity's contractors which pertain to the fulfillment of that contract. This means that public entities must ensure that the programs or activities operated under each contract are in compliance with the ADA.

At minimum, public entities can ensure that the language of their contracts includes a requirement prohibiting discrimination on the basis of disability in the contractor's employment policies, and in the contractor's operation of the programs and activities covered by the contract, and that program participants at third party contractor sites are aware of the city's ADA Grievance Procedure.

It is the policy of the City of Oakland to require contractors to complete Schedules C1 or C2, Declaration of Compliance with the Americans with Disabilities Act or Declaration of ADA Compliance for Facility Use and Special

Events Agreements, as applicable:
http://www2.oaklandnet.com/Government/o/PWA/o/EC/s/ADA/DOWD005073#web

Term: Discrimination

The ADA prohibits discrimination by any state or local government against any qualified individual with a disability, because of such individual's disability. It is discrimination for a state or local government to apply eligibility criteria or standards that screen out or tend to screen out individuals with disabilities from fully and equally enjoying any goods or services. It is also discrimination to deny an individual with a disability equal opportunity to fully participate in a public entity's programs and activities, to receive its services, or to enjoy its benefits. 28 CFR §35.130.

Section Two: General Requirements (cont.)

5.   Apart from contract compliance (Schedule C1 or C2), does your Department take other actions to ensure that your program's aid, benefits, or services that are provided by a third party entity are delivered in a manner that does not discriminate against qualified individuals with disabilities, such as site evaluations? 28 C.F.R. §35.130(b).

YES / NO

N/A, THERE ARE NO THIRD PARTIES INVOLVED IN ADMINISTERING OR
        DELIVERING DEPARTMENTAL PROGRAMS

If you answered NO to the previous question, please provide an explanation:

6.   Does your Department actively work to administer its programs and activities in the most integrated setting appropriate to the needs of qualified individuals with disabilities? 28 C.F.R.§35.130(d).

YES / NO

If you answered NO to the previous question, please provide an explanation:
_____

Term: Integrated setting

It is a violation of the ADA if a state or local government fails to provide programs and services in the most integrated setting appropriate to the needs of the individual, namely, in a setting that enables individuals with disabilities

to interact with non-disabled persons to the fullest extent possible. 28 CFR §35.130(d).

State and local governments can offer programs that are specifically designed for people with disabilities, but, an individual with a disability cannot be denied the opportunity to participate in programs or activities that are not separate or different, even when a special program exists. 28 CFR §§35.130(b)(2).

Example:

A special event for the public is being organized by a city and an historic city building has been selected as its venue. The event planners would like to use the mezzanine for a portion of the event that will be a meet and greet with city leaders but it is only accessible by taking stairs. The planners should instead consider using the first floor lobby for the meet and greet, as it is accessible from the street to wheelchair users and others who may not be able to use stairs. Or, a different building should be selected, because persons with mobility impairments will otherwise not be able to participate in this portion of the programming.

Section Two: General Requirements (cont.)

7.   If separate services are offered to persons with disabilities, are the services provided to qualified persons with disabilities as effective as those provided to others? 28 C.F.R. §35.130(b) (1)(ii-iv).

YES / NO

N/A, SERVICES FOR PERSONS WITH DISABILITIES ARE NOT SEPARATE.

If you answered NO to the previous question, please provide an explanation:

_____

Term: Effective

Effective access must be provided under the ADA. This means that persons with disabilities have an equal opportunity to derive the same result, benefit, or level of achievement from the program as provided to persons without disabilities. 28 CFR §35.130(b)(1)(iii).

8.   If separate services are provided for persons with disabilities, are persons with disabilities allowed to decline these services and participate in your general programming? 28 C.F.R.§35.130(b)(2).

YES / NO

N/A, SERVICES FOR PERSONS WITH DISABILITIES ARE NOT SEPARATE.

If you answered NO to the previous question, please provide an explanation:

Section Two: General Requirements (cont.)

9.   Does your Department apply safety requirements necessary for the safe operation of its services, programs, or activities? 28 C.F.R. §35.130(h).

YES / NO

If you answered YES to the previous question, please describe these requirements:

_____

Term: Safety requirements

State and local governments may impose legitimate safety requirements. However, these requirements must be based on actual risks and facts about particular individuals, not on speculation, stereotypes, or generalizations about individuals with disabilities, or on the basis of presumptions about what a class of individuals with disabilities can or cannot do. 28 CFR §35.130(h).

Examples:

An advanced swimming class can't exclude a wheelchair user because it is assumed that she can't swim well enough to participate. However, such a class may require that all participants, including people with disabilities, pass a swimming test as a program qualification.

A Deaf person is not allowed to berth her boat at a city marina because she is Deaf and the Harbormaster is afraid he won't be able to communicate with her; this is not an acceptable application of a safety requirement and instead the Deaf boater should be offered appropriate auxiliary aids or services to enable her to communicate effectively with the Harbormaster.

Section Two: General Requirements (cont.)

10.   Has your Department excluded persons with disabilities from its services, programs, or activities because an individual has posed a direct threat?   28 C.F.R. §35.139.

YES / NO

If you answered YES to the previous question, please describe these requirements:

_____

Term: Direct threat

Direct threat means a significant risk to the health or safety of others that cannot be eliminated by a modification of policies, practices or procedures, or by the provision of auxiliary aids or services. 28 CFR §35.104.

In determining whether an individual poses a direct threat to the health or safety of others, a public entity must make an individualized assessment, based on reasonable judgment that relies on current medical knowledge or on the best available objective evidence, to ascertain: the nature, duration, and severity of the risk; the probability that the potential injury will actually occur; and whether reasonable modifications of policies, practices, or procedures or the provision of auxiliary aids or services will mitigate the risk. 28 CFR §35.139.

Example:

A child who has autism is participating in a summer camp program and repeatedly hits other children. The staff intervenes with multiple attempts to reduce the behavior, makes appropriate program modifications, and provides the child with one-to-one staff assistance, but the behavior persists. The Director should seek out more effective behavioral assistance from an aide with appropriate training regarding behavioral modifications for children with autism, including knowledge of age, disability, and setting appropriate interventions, before determining the child cannot safely participate in the program.

Section Two: General Requirements (cont.)

11.   Do your Department's programs include eligibility criteria that screens participants based on current or former drug use? 28 C.F.R. 35.131.

YES / NO

N/A, ELIGIBILITY CRITERIA DOES NOT CONSIDER CURRENT OR FORMER DRUG USAGE

If you answered YES to the previous question, please provide an explanation:

———————————————————————

Term: Current or former drug use

Under the ADA current illegal use of drugs may be grounds for permissible discrimination. Persons who are in recovery, or who are taking medications under the supervision of a licensed healthcare practitioner and the use is permitted under Federal law, however, are protected from discrimination. 28 CFR §35.131.

Current illegal use of drugs cannot be the basis for denying health services connected to drug rehabilitation services, if the individual is otherwise eligible for such services, but a drug rehab or treatment program may deny participation to individuals engaged in illegal use of drugs while in the program. 28 CFR §35.131(b).

12.   Does your Department permit qualified persons with disabilities to participate in its programs, activities, and services accompanied by their service animals?   28 C.F.R. §35.136

YES / NO

If you answered NO to the previous question, please provide an explanation:

———————————————————————

Term: Service animal

Service animal means any dog or a miniature horse that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition. The work or tasks

performed by a service animal must be directly related to the individual's disability. 28 CFR §35.104; 28 CFR §35.136. The crime deterrent effects of an animal's presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for the purposes of meeting the ADA definition of service animal. 28 CFR § 35.104.

Examples:

- Assisting individuals who are blind or have low vision with navigation and other tasks

- Alerting individuals who are deaf or hard of hearing to the presence of people or sounds

- Providing non-violent protection or rescue work

- Pulling a wheelchair

- Assisting an individual during a seizure

- Alerting individuals to the presence of allergens

- Retrieving items such as medicine or the telephone

- Providing physical support and assistance with balance and stability to individuals with mobility disabilities

- Helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors.

13. Does your Department permit individuals with mobility disabilities to use wheelchairs, manually powered mobility devices, and other power-driven mobility devices in any program areas open to pedestrian use? 28 C.F.R. §35.137.

YES / NO

If you answered NO to the previous question, please provide an explanation:

_____

Term: Manually powered mobility devices

Manually powered mobility devices must be permitted and may include wheelchairs and manually-powered mobility aids such as walkers, crutches,

canes, braces, or other similar devices designed for use by individuals with mobility disabilities in any areas open to pedestrian use. 28 C.F.R. §35.137(a).

Term: Other power driven mobility devices

Other power-driven mobility devices means any mobility device powered by batteries, fuel, or other engines—whether or not designed primarily for use by individuals with mobility disabilities—that is used by individuals with mobility disabilities for the purpose of locomotion, including golf cars, electronic personal assistance mobility devices (EPAMDs), such as the Segway® PT, or any mobility device designed to operate in areas without defined pedestrian routes, but that is not a wheelchair. These devices must be permitted as a reasonable accommodation unless the device cannot be safely operated with adopted, legitimate safety requirements. 28 CFR § 35.104; 28 CFR §35.137(b).

Section Two: General Requirements (cont.)

14.   Does your Department reasonably modify its policies and practices as necessary to allow for full and equal participation of persons with disabilities? 28 C.F.R. §35.130(b)(7).

YES / NO

If you answered NO to the previous question, please provide an explanation

_____

Term: Reasonable modification

State and local governments must make reasonable modifications in policies, practices and procedures when such modifications are necessary to provide programmatic access. 28 CFR §35.130(b)(7).

Examples:

A residential drug and alcohol treatment program that requires abstinence from drug and alcohol use cannot exclude an otherwise qualified applicant with a disability who takes medication, if he is appropriately taking prescription medication required for treatment of his disability. However, the program can require that the medication be administered by staff.

A children's science center waives admission fees for the 1:1 behavioral aide accompanying a child with autism

A zoo modifies its "no pets" policy to permit a patron to be accompanied by a service animal but may require the person to travel a designated route in order to avoid interaction with prey animals

A lengthy and complicated student volunteer application process is modified by providing more individualized assistance so that an otherwise eligible person with an intellectual disability can apply

Section Two: General Requirements (cont.)   .

15.   Does your Department make reasonable modifications in its programs so that physical barriers do not prevent persons with disabilities from participation? 28 C.F.R. §35.150(b).

YES / NO

If you answered NO to the previous question, please provide an explanation:
_____

Term: Reasonable modification

Reasonable modification State and local governments must make reasonable modifications in policies, practices and procedures when such modifications are necessary to provide programmatic access. 28 CFR §35.130(b)(7).

Examples:

- Redesign of equipment
- Reassignment to accessible buildings
- Use of aides
- Home visits
- Delivery of services at alternative accessible sites
- Use of accessible vehicles
- Alteration of existing facilities
- Construction of new facilities

NOTE: City staff and contractors cannot carry an individual with a disability as a method of providing program access, except in "manifestly exceptional" circumstances.

Section Two: General Requirements (cont.)

16.   Does your Department ensure that persons with disabilities have the right to refuse accommodations when participating in your regular programming if the individual so chooses? 28 C.F.R. §35.130(e)(1).

YES / NO

If you answered NO to the previous question, please provide an explanation: _____

Term: Right to refuse an accommodation

Right to refuse an accommodation means that an individual with a disability is not required by the ADA to accept an accommodation, aid, service, opportunity, or benefit that the individual chooses not to accept. 28 CFR §§35.130(b)(2) and (e).

Example:

The city's parking citation hearing request form includes information about how to seek disability-related accommodations for the hearing. A woman whose disability affects her speech has requested a hearing, but she has not indicated any need for accommodations, such as a qualified interpreter, to assist her in being understood when she appears. Since she has not made such a request, she cannot be forced to work with an interpreter at the hearing.

Section Two: General Requirements (cont.)

17.   If services of a personal nature are provided as part of your program, activities, or services, are these also extended to persons with disabilities? 28 C.F.R. §35.130(b); 28 C.F.R. §35.135

YES / NO

N/A

If you answered NO to the previous question, please provide an explanation: _____

Term: Services of a personal nature

Ordinarily, a public entity is not required by the ADA to provide personal or individually prescribed devices, or services of a personal nature (such as eyeglasses, hearing aids, a wheelchair for personal use, or assistance with eating, toileting or dressing) to a qualified individual with a disability. 28 CFR §35.135.

However, if such personal services or devices are customarily provided to other individuals in the program (such as toileting assistance in a child care or classroom setting), then these personal services should also be provided to individuals with disabilities. If the unavailability of the device or service is a barrier to equal participation by an otherwise qualified individual with a disability, then the service or equipment may need to be provided in order to avoid discrimination on the basis of disability.

18.   Does your Department's program staff know to seek guidance from a Department Head or the City Administrator's office when a requested disability-related accommodation may result in a fundamental alteration of your Department's program, or may pose an undue financial or administrative burden to the City? 28 C.F.R. §35.150(a)(3).

YES / NO

If you answered NO to the previous question, please provide an explanation:

Term: Fundamental alteration and/or undue burden Undue burden

A public entity is not required to take any action that it can demonstrate would result in a fundamental alteration in the nature of a service, program, or activity or in an undue financial or administrative burden.

Term: Fundamental alteration

A fundamental alteration is a modification that is so significant that it alters the essential nature of the goods, services, facilities, privileges, advantages or accommodations offered..

Term: Undue burden

Undue burden means significant difficulty or expense. A public entity has the burden of proving that taking the proposed action would result in such alteration or burden.

The ADA regulations anticipate that providing program access will generally not result in undue financial and administrative burdens; such burdens will result in only the most unusual cases.

The decision that a particular modification or accommodation would result in a fundamental alteration or undue burden must be made by the head of the public entity or his or her designee after considering all resources available for use in the funding and operation of the service, program, or activity. In the case of municipalities, the entire city budget is considered, not just the program or department budget. The finding of fundamental alteration or undue burden must be accompanied by a written statement of the reasons for reaching that conclusion.

Even after a finding of fundamental alteration or undue burden with respect to a particular modification or accommodation, a public entity must nevertheless ensure that, to the maximum extent possible, individuals with disabilities receive the benefits or services provided by the public entity. 28 CFR §35.150(a).

Examples of fundamental alteration and undue burden

A city-run planetarium darkens the auditorium for a planetarium night sky show. A Deaf individual requests that the policy of darkening the planetarium be modified in order to have a small spotlight directed at a sign language interpreter. If it would not be a fundamental alteration to have one interpreter

lighted in a corner of the room, the practice of dimming all lights would have to be modified. However, if the request was to keep all the lights on in the auditorium, this would likely be a fundamental alteration of this particular planetarium program.

A city-run garbage collection program generally requires people to place their garbage bins on the sidewalk. A person who is unable to push his bins out to the sidewalk due to disability may request for no additional charge an alternate pick up location. The cost of an alternative pick up location does not create an undue financial or administrative burden on the program and does not alter the nature of the program.

A male teenager with an intellectual disability uses a recreation facility with the assistance of a female one-to-one aide. The teen must use a locker room facility in order to shower and requires the aide's assistance. As there are no other shower facilities outside of the men's and women's locker rooms, the program determined it could allow the teen to use the women's locker room by taking measures for protecting his and the privacy of others, such as setting up a curtained shower and dressing area for his use, and working with the aide to coordinate his entry into and exit from the women's locker room so as to not interfere with the privacy of other patrons. Such modifications do not compromise the fundamental nature of the women's locker room facilities, or impose an undue financial or administrative burden.

19.   Does your Department offer services, programs, or activities that require the purchasing of tickets?

YES / NO

20.   If your Department sells tickets for a single event or series of events, does your Department provide an equal opportunity to individuals with disabilities to purchase tickets for accessible seating at all times, through all methods and sales outlets, and under the same terms and conditions as other tickets? 28 C.F.R. §35.138(a)(2).

YES / NO

N/A DEPARTMENT DOES NOT SELL EVENT TICKETS

If you answered NO to the previous question, please provide an explanation:

Term: Equal opportunity

Just as other individuals are, people with disabilities are entitled to equal access and equal opportunity to participate in, and enjoy the benefits of, a public entity's programs and activities, or to receive its services.

Example:

With respect to ticketing, equal opportunity means persons with disabilities are able to purchase tickets for accessible seating in the same manner, at the same time, in the same places, and under the same terms and conditions as other patrons. 28 CFR §35.138(a)(2).

If tickets are sold online, at a box office, and by phone, persons who wish to reserve wheelchair accessible seating should also be able to reserve their tickets online, at the box office, and by phone.

All modalities used for ticket purchasing must also include a means for people with disabilities to make requests for auxiliary aids and services, such as sign language interpretation.

21.   Does your Department allow all qualified persons to participate in your services, programs, and activities regardless of the person's association with individuals or an entity associated with persons with disabilities? 28 C.F.R. §35.130(g).

YES / NO

If you answered NO to the previous question, please provide an explanation:

_____

Term: Association

It is discrimination for a state or local government to exclude or deny equal services, programs or activities to an individual or entity because of the known disability of another individual with whom the individual or entity has a relationship or association. 28 CFR §35.130(g).

Section Two: General Requirements (cont.)   .

21.   Does your Department allow all qualified persons to participate in your services, programs, and activities regardless of the person's association with individuals or an entity associated with persons with disabilities? 28 C.F.R. §35.130(g).

YES / NO

If you answered NO to the previous question, please provide an explanation:

_____

Term: Association

It is discrimination for a state or local government to exclude or deny equal services, programs or activities to an individual or entity because of the known disability of another individual with whom the individual or entity has a relationship or association. 28 CFR §35.130(g).

Examples:

The parent of an applicant for a summer day camp program uses a wheelchair. It would be discriminatory for the program to deny the child's application out of fear that her mother will complain about the accessibility of the facility where the camp is located.

A care organization is denied a conditional use permit to build a group home in a residential neighborhood. It would be discriminatory to deny the permit based solely on the fact that the proposed housing is for persons with psychiatric disabilities.

22.   Does your Department provide individuals with disabilities or groups of individuals with disabilities program modifications or accommodations without surcharges and without adding the costs of such measures onto the individual's or group's registration or other program fees? 28 C.F.R. §35.130(f)

YES / NO

If you answered NO to the previous question, please provide an explanation:

Term: Surcharges

A state or local government may not impose an additional charge on an individual with a disability, or a group of individuals with disabilities, to cover the cost of measures taken to comply with the ADA, such as the provision of auxiliary aids and services or program access. 28 CFR §35.130(f).

Examples:

A person who is blind requests a Braille copy of an upcoming commission agenda that has been posted online. The commission cannot charge for the braille transcription.

The clerk provides copies of meeting minutes for a fee. A request for minutes in an audio format can be charged at the same amount.

The admission fee at a municipally-owned amusement park for young children ages 5 and below should not be charged for the admission of the adult behavioral aide of child with a disability who is also accompanied by an adult guardian because the aide is not using the facilities and is required to allow the child to be able to enjoy the park. The adult guardian, however, may be charged since adult supervision is required for all children admitted to the park.

23.   If your Department administers a licensing or certification program, does it include requirements that do not subject qualified persons with disabilities to discrimination and is it otherwise administered in a manner that does not discriminate on the basis of disability? 28 C.F.R. §35.130(b)(6).

YES / NO

N/A

If you answered NO to the previous question, please provide an explanation

_____

Term: Licensing and certification

A state or local government entity may not discriminate against a qualified individual with a disability, on the basis of disability, in the granting of licenses and certifications. A state or local government may not administer a licensing or certification program in a manner that subjects qualified individuals with disabilities to discrimination on the basis of disability, nor may a state or local government establish requirements for the programs or activities of licensees

or certified entities that subject qualified individuals with disabilities to discrimination on the basis of disability. 28 CFR §35.130(b)(6).

Examples:

Special event license materials are available on standardized print forms. The program must furnish the materials in an alternative format such as large print or electronically if requested by an applicant with a vision impairment.

A certification course run by a fire department helps people prepare individually for an emergency. To receive the final certificate, participants are asked to complete an online quiz with a 30-minute time limit at the end of the course. Additional time to complete the quiz should be provided if requested by a participant with a learning disability.

Section Two: General Requirements (cont.)   .

24.   Does your Department take necessary measures to ensure that persons who have opposed any act or practice prohibited under the Americans with Disabilities Act or related antidiscrimination laws, or who has assisted with a complaint regarding or investigation into alleged disability discrimination, are not harassed or retaliated against by staff or others in your program? 28 C.F.R. §35.134.

YES / NO

If you answered NO to the previous question, please provide an explanation:
_____

Term: Retaliation

Individuals who exercise their rights under the ADA, or assist others in exercising their rights, are protected from discrimination, coercion, intimidation, threats, or interference. This protection extends to anyone filing, or participating in the investigation of, a complaint concerning discrimination on the basis of disability. 28 CFR §35.134.

Example:

A person who is accompanied by a service dog is initially stopped by a security guard who refuses to allow admittance due to a building's "no pets" policy. The person explains the dog is not a pet and is a service animal trained to assist

with her disability and that she doesn't want to have to lodge a complaint with the city if she is not permitted entry. The security guard lets her and her dog pass, but keeps an eye on her the entire time she is in the building lobby and remarks to another security guard and others in the lobby loudly, "how is that woman disabled? How is that dog doing anything for her? I swear people will try to pull anything these days! I call BS!" This could easily be perceived as intimidating behavior in retaliation for her exercise of rights under the ADA.

25.   Does your Department publish or otherwise provide information for participants regarding the City's disability grievance procedure? 28 C.F.R. §35.106; 28 C.F.R. §35.107(b).

YES / NO

If you answered NO to the previous question, please provide an explanation:

Term: Grievance procedure

A public entity that employs 50 or more persons shall adopt and publish grievance procedures providing for prompt and equitable resolution of complaints alleging any action that would be prohibited under the ADA. 28 CFR §35.107(b). The City of Oakland's grievance procedure and form can be located at http://www2.oaklandnet.com/Government/o/PWA/o/EC/s/ADA/DOWD005074

26.   Does your Department inform its third-party service providers and contractors of the City's disability grievance procedure and ensure this information is readily available to program participants at third-party program/service sites? 28 C.F.R. §35.106; 28 C.F.R. §35.107(b)

YES / NO

If you answered NO to the previous question, please provide an explanation:

Term: Contracts

A state or local government that enters into a contract with a private entity must ensure that the activity operated under the contract is in compliance with the ADA. 28 CFR §35.102.

In other words, the ADA prohibits discrimination on the basis of disability in those activities of a public entity's contractors which pertain to the fulfillment of that contract. This means that public entities must ensure that the programs or activities operated under each contract are in compliance with the ADA.

At minimum, public entities can ensure that the language of their contracts includes a requirement prohibiting discrimination on the basis of disability in the contractor's employment policies, and in the contractor's operation of the programs and activities covered by the contract, and that program participants at third party contractor sites are aware of the city's ADA Grievance Procedure.

It is the policy of the City of Oakland to require contractors to complete Schedules C1 or C2, *Declaration of Compliance with the Americans with Disabilities Act* or *Declaration of ADA Compliance for Facility Use and Special Events Agreements*, as applicable:http://www2.oaklandnet.com/Government/o/PWA/o/EC/s/ADA/DOWD005073#web

Section Three: Communications Access

1.   Does your Department take necessary steps to ensure that communications with applicants, participants, members of the public, and companions with disabilities are as effective as communications with others? 28 C.F.R. §35.160(a).

YES / NO

If you answered NO to the previous question, please provide an explanation

Term: Effective communications

Communications with members of the public and their companions with disabilities must be as effective as communications with)others. 28 CFR §35.160(a).

Section Three: Communications Access (cont.)

2.   Does your Department furnish appropriate auxiliary aids and services when necessary to afford individuals with disabilities an equal opportunity to participate in, and enjoy the benefits of, your Department's programs and activities? 28 C.F.R. §35.160(b).

YES / NO

If you answered NO to the previous question, please provide an explanation: _____

Term: Auxiliary aids and services

Auxiliary aids and services are a requirement of effective communication if necessary to afford qualified individuals with disabilities an equal opportunity to participate in and enjoy the benefits of a service, program, or activity of a public entity. 28 CFR §35.104.

To be effective, auxiliary aids and services must be provided 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.

Examples:

Auxiliary aids and services that can benefit individuals with hearing impairments include, but are not limited to:

- Qualified interpreters
- Video remote interpreting (VRI) services
- Computer-aided transcription of what is being spoken, projected in real time onto a screen, PDA or computer terminal
- Notetakers
- Exchange of written notes
- Telephone handset amplifiers

Examples of Auxiliary Aids and Services (Cont.):

Auxiliary aids and services that can benefit individuals with hearing impairments include, but are not limited to:

- Telephones compatible with hearing aids
- Assistive listening devices or systems
- Open and closed captioning of videos and films
- Text telephones, captioned phones, and videophones
- Videotext displays
- Accessible electronic and information technology

Auxiliary aids and services that can benefit individuals with vision impairments include, but are not limited to:

- Qualified readers
- Taped texts
- Audio recordings
- Brailled materials and displays
- Screen reader software
- Screen magnification software
- Closed circuit TV magnifiers
- Large print materials
- Accessible electronic and information technology

Auxiliary aids and services that can benefit individuals with speech impairments include, but are not limited to:

- Telephone relay services
- Speech synthesizing computer devices
- Qualified oral interpreters
- Communication boards

Section Three: Communications Access (cont.)

3.   When furnishing auxiliary aids and services, does your Department give primary consideration to the expressed preferences of the individual with a disability? 28 C.F.R.

YES / NO

If you answered NO to the previous question, please provide an explanation:

_____

Term: Preferences of the individual with a disability

In determining what types of auxiliary aids and services are necessary, a public entity shall give primary consideration to the requests of individuals with disabilities. 28 CFR §35.160 (b)(2).

4.   Does your Department refrain from requiring individuals with disabilities to bring another individual to interpret for him or her when participating in your programs, activities, and services, in lieu of providing access to a qualified interpreter?

YES / NO

If you answered NO to the previous question, please provide an explanation:

_____

Term: Qualified interpreter

A qualified interpreter is an interpreter who, via a video remote interpreting (VRI) service or an on-site appearance, is able to interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary. Qualified interpreters include, for example, sign language interpreters, oral transliterators, and cued-language transliterators. 28 CFR § 35.104

Section Three: Communications Access (cont.)

5.   Does your Department refrain from using adult companions to interpret or facilitate communication with a person with a disability except in emergency situations when no qualified interpreter available, or at the request of the person with a disability, and then only when reliance on that adult for such assistance is appropriate under the circumstances? 28 C.F.R. §31.160(c)(2).

YES / NO

If you answered NO to the previous question, please provide an explanation:

_____

Term: No reliance on companions to interpret or facilitate communication except in an emergency

Public entities are prohibited from requiring an adult companion from serving as an interpreter or facilitator for a person with a disability except in an emergency situation, defined as an imminent threat to the safety or welfare of an individual or the public when no qualified interpreter is available, or when the individual with a disability specifically requests that the accompanying adult interpret or facilitate communication, the accompanying adult agrees, and such assistance would be appropriate under the circumstances. 28 C.F.R. §31.160(c)(2).

6.   Does your Department refrain from using minor children to interpret or facilitate communication with a person with a disability except in an emergency and there is no qualified interpreter available? 28 C.F.R. §31.160(c)(3).

YES / NO

If you answered NO to the previous question, please provide an explanation:
_____

Term: No reliance on minor children to interpret or facilitate communication except in an emergency

No reliance on minor children to interpret or facilitate communication except in an emergency involving imminent threat to safety or welfare of an individual or the public and no qualified interpreter is available. There is no exception allowing minor children to interpret or facilitate even if requested by the person with a disability and the child agrees. 28 C.F.R. §31.160(c)(3).

Section Three: Communications Access (cont.)

7.   Are persons using telecommunications relay services able to communicate with your Department as effectively as those making other telephone calls?   28 C.F.R. §31.161(c).

YES / NO

If you answered NO to the previous question, please provide an explanation:
_____

Term: Telecommunications relay services (TRS)

TRS uses operators, called communications assistants (CAs), to facilitate telephone calls between people with hearing and speech disabilities and other individuals. A TRS call may be initiated by either a person with a hearing or speech disability, or a person without such disability calling 711 anywhere in the United States. When a person with a hearing or speech disability initiates a TRS call, the person uses a teletypewriter (TTY) or other text input device to call the TRS relay center, and gives a CA the number of the party that he or she wants to call. The CA places an outbound traditional voice call to that person, then serves as a link for the call, relaying the text of the calling party in voice to the called party, and converting to text what the called party voices back to the calling party.

When a state or local government communicates with the public by telephone, the ADA requires that text telephones (TTYs) or equally effective telecommunications be used to communicate with people who have hearing or speech impairments. 28 CFR §35.161.

While many people may now be using the 711 relay service for placing calls, it is still advisable to retain and publish a TTY number for TTY users to be able to call directly, and staff should be trained in appropriate TTY usage.

City departments and programs must list TTY numbers in any information they disseminate to the public that includes department and/or program telephone numbers.

TTY numbers are especially important to include in any material that informs the public about how to request auxiliary aids and services.

Section Three: Communications Access (cont.)

8.	Does your Department include on its website home page, brochures, and other materials that auxiliary aids and services are available upon request to individuals with disabilities and instructions for making such requests? 28 C.F.R. §35.160(b).

YES / NO

If you answered NO to the previous question, please provide an explanation:
_____

Term: Instructions for requesting auxiliary aids and services

Auxiliary aids and services are a requirement of effective communication if necessary to afford qualified individuals with disabilities an equal opportunity to participate in and enjoy the benefits of a service, program, or activity of a public entity. 28 CFR §35.104.

At a minimum, programs should state on websites, brochures, and any other materials advertising a program, activity, or service, that "auxiliary aids and services for persons with disabilities are available upon request" and provide a phone number and/or e-mail address for making the request.

9.	Does your Department include on its website home page, brochures, and other materials that auxiliary aids and services are available upon request to individuals with disabilities and instructions for making such requests? 28 C.F.R. §35.160(b).

YES / NO

N/A, PROGRAM INFORMATION IS NOT PUBLISHED OR BROADCASTED IN NEWS MEDIA

If you answered NO to the previous question, please provide an explanation:

10.	If marketing, recruitment, and other materials indicate that your Department may be reached by telephone, do the materials include a TTY or relay service number? 28 C.F.R. §35.161(a).

YES / NO

If you answered NO to the previous question, please provide an explanation:

Section Three: Communications Access (cont.)

11.   Do your Department's special event and meeting notices include information for requesting auxiliary aids and services and other disability-related accommodations? 28 C.F.R. §35.160(b).

YES / NO

If you answered NO to the previous question, please provide an explanation:

Term: Special events

Public entities must ensure that the special events they sponsor take place in accessible locations, that auxiliary aids and services to ensure equally effective communication are provided to attendees with disabilities on request (these requests may need to be submitted in advance), and that notices announcing these special events include information about the accessibility of the location, and about how to request auxiliary aids and services.

Section Four: Program Access

1.   Does your Department actively work to ensure that each of its programs, when viewed in its entirety, is readily accessible to and usable by persons with disabilities? 28 C.F.R. §35.150(a)

YES / NO

If you answered NO to the previous question, please provide an explanation:

Term: Program is readily accessible to and usable by persons with disabilities in its entirety

Public Program is readily accessible to and usable by persons with disabilities in its entirety means that while not all program sites may be architecturally accessible to persons with disabilities, the program itself is readily available to persons with disabilities. Public entities should consider the distribution of facilities where the program is offered; the hours the program is available at each site; connectivity to public transportation; and what modifications are available for making programs accessible at existing sites that are not architecturally accessible. 28 CFR §35.150(a).

Example:

A Head Start program operates at ten locations citywide. Only three of the program sites have wheelchair accessible entrances, and all are located on the west side of the City. This program, in its entirety, is not readily accessible to and usable by persons with disabilities because accessible sites are concentrated in only one part of the city.

Section Four: Program Access (cont.)

2.   Does your Department actively work to ensure that its services, programs, and activities are offered to qualified persons with disabilities in the most integrated setting appropriate? 28 C.F.R. §35.150(b)(1).

YES / NO

If you answered NO to the previous question, please provide an explanation:

Term: Most integrated setting appropriate

Most integrated setting appropriate when modifying a program to eliminate barriers to access in existing facilities that are not architecturally compliant, a public entity must prioritize those program modifications that will allow persons with disabilities to interact with non-disabled persons to the fullest extent possible. 28 CFR §35.150(b)(1).

Example:

A city runs an after-school program at a park where children can enjoy supervised, structured play. The park features a rec center and a jungle gym. The ground leading to and below the jungle gym is sand and so is not wheelchair accessible. This makes it impossible for a wheelchair user to participate when the activities center on that area. This program can minimize the extent to which the inaccessible playground equipment is used by designing activities that maximize opportunities for interaction.

3.   Does your Department prohibit staff or others from carrying persons with disabilities as an alternative to making structural modifications or relocating a program to an alternative, accessible site? 28 C.F.R. 35.150(b)(1).)

YES / NO

If you answered NO to the previous question, please provide an explanation:

Term: Carrying

Carrying is generally not permitted as a means of providing program access when architectural barriers interfere with the participation of persons with disabilities. Carrying is not permitted as an alternative to structural modifications, and is only allowed in very rare and exceptional cases, such as onto an oceanographic vessel where independent physical access cannot be provided (like a submarine). 28 CFR §35.150(b)(1).

4.   Does your Department use back doors or freight elevators to provide program access to persons with disabilities? 28 C.F.R. §35.150(b)(1).

YES / NO

If you answered NO to the previous question, please provide an explanation:

Section Four: Program Access (cont.)

Term: Back doors or freight elevators

Back doors or freight elevators are not acceptable means for providing individuals with disabilities access to a public entity's programs, activities, or services, unless they are used as a last resort, and meet the following conditions: they must be available for use during the same hours as the main door or elevator; the passageway to and from is accessible, well-lit, neat and clean; and do not require traveling excessive distances or through non-public areas such as kitchens or storerooms to gain access. 28 CFR §35.150(b) (1).

A freight elevator is acceptable only if it is upgraded so as to be usable by passengers generally, and if the passageways leading to and from the elevator are well-lit, neat and clean.

5.   If your Department operates an historic preservation program, does it employ methods that provide physical access to persons with disabilities or alternative methods for program access if the historic property cannot be physically altered to become accessible? 28 C.F.R. §35.150(b) (3).

YES / NO

If you answered NO to the previous question, please provide an explanation:

Term: Historic preservation programs

Historic preservation programs have preservation of historic properties as a primary purpose. 28 CFR § 35.104.

In achieving program accessibility in historic preservation programs, a public entity must give priority to methods that provide independent physical access to individuals with disabilities. Physical access is particularly important in an historic preservation program, because a primary benefit of the program is the unique experience of the historic property itself.

Term: Alternative methods for program access

- Alternative methods for program access in a historic preservation program may consist of the following:

- Using audio-visual materials and devices to depict inaccessible portions of a historic property;

- Assigning aides to guide persons with disabilities through those parts of the historic property that would be inaccessible without the guide; or

- Adopting other innovative methods

Term: Historic properties

- Historic properties are those listed or eligible for listing in the National Register of Historic Places or properties designated as historic under State or local law. 28 CFR § 35.104.

- A program that occupies a historic property but does not have historic preservation as a primary purpose is subject to the general program access requirements, 28 CFR §35.150.

Section Four: Program Access (cont.)

Term: Historic properties

Example:

A city-sponsored hip-hop dance class is held on the second floor of a historic building. The second floor is only accessible by stairs. The dance class is not an historic preservation program and therefore is subject to general program access requirements. This means that the class should be relocated to an accessible site.

6.   Does your Department have policies or procedures for evacuating program participants with disabilities in the event of an emergency?

YES / NO

If you answered NO to the previous question, please provide an explanation:

_____

Term: Emergency

Emergency programs and services must be designed and administered to not discriminate against individuals with disabilities and to provide individuals with disabilities an equal opportunity to participate in or benefit from the aid, benefits, and services that are not separate or different from what is provided to others. 28 CFR §35.130.

Example:

A housing assistance center is located on the third floor of a city building and accessible by elevator. In the event of an emergency, staff should have a plan and necessary equipment available for evacuating persons who use wheelchairs or who have other mobility limitations that would prevent them from independently using the stairs,

Section Five: Structural Access

1.   Does your Department take necessary measures to select locations for its programs, services, and activities so that each service, program, and activity, when viewed in its entirety, is readily accessible to and usable by individuals with disabilities? 28 C.F.R. §35.150(a).

YES / NO

If you answered NO to the previous question, please provide an explanation: _____

Term: Program is readily accessible to and usable by persons with disabilities in its entirety

Program is readily accessible to and usable by persons with disabilities in its entirety means that while not all program sites may be architecturally accessible to persons with disabilities, the program itself is readily available to persons with disabilities. Public entities should consider the distribution of facilities where the program is offered; the hours the program is available at each site; connectivity to public transportation; and what modifications are available for making programs accessible at existing sites that are not architecturally accessible. 28 CFR §35.150(a).

Example:

A Head Start program operates at ten locations citywide. Only three of the program sites have wheelchair accessible entrances, and all are located on the west side of the City. This program in its entirety is not readily accessible to and usable by persons with disabilities because accessible sites are concentrated in only one part of the city.

2.   Does your Department only select locations for its programs, activities, and services that offer, at a minimum: at least one accessible route from an accessible entrance to the parts of the building where principal program activities take place; accessible toilet facilities; and accessible parking facilities?

YES / NO

If you answered NO to the previous question, please provide an explanation

Section Five: Structural Access (cont.)

3.   Does your Department only select locations for its special events that offer, at a minimum: at least one accessible route from an accessible entrance to the parts of the building where principal program activities take place; accessible toilet facilities; and accessible parking facilities?

YES / NO

If you answered NO to the previous question, please provide an explanation:

_____

Term: Special events

Public entities must ensure that the special events they sponsor take place in accessible locations, that auxiliary aids and services to ensure equally effective communication are provided to attendees with disabilities on request (these requests may need to be submitted in advance), and that notices announcing these special events include information about the accessibility of the location, and about how to request auxiliary aids and services.

4.   Does your Department periodically test the usability of all features and equipment used in its programs, activities, and services by participants with disabilities, and report maintenance issues to Facilities Management when appropriate?

YES / NO

If you answered NO to the previous question, please provide an explanation

Term: Maintenance

A public entity is required to maintain in operable working order those features of facilities and equipment that are required to be readily accessible to and usable by persons with disabilities. 28 CFR §35.133.

5.   Does your Department work with Facilities Management to post appropriate signage at all inaccessible entrances at each of your facilities directing users to the accessible entrance, or to a location with information about accessible facilities? 28 C.F.R. §35.163(b).

YES / NO

If you answered NO to the previous question, please provide an explanation:

Term: Signage at inaccessible entrances

Signage at inaccessible entrances is required at each program facility directing users to an accessible entrance or to a location where they can obtain information about accessible facilities

Section Five: Structural Access (cont.)

6.   Does your Department report to Facilities Management the lack of appropriate signage using the International Symbol of Accessibility at each accessible entrance to your facilities? 28 C.F.R. §35.163(b).

YES / NO

If you answered NO to the previous question, please provide an explanation

7.   Does your Department take necessary steps to ensure that interested persons, including persons with impaired vision or hearing, can obtain information as to the existence and location of accessible services, activities, and facilities? 28 C.F.R. §35.163(a).

YES / NO

If you answered NO to the previous question, please provide an explanation:

Term: Existence and location of accessible services, activities, and facilities

Public entities Public entities must ensure that interested persons, including persons with impaired vision or hearing, can obtain information as to the existence and location of accessible services, activities, and facilities. 28 CFR §35.163(a).

Examples:

A parks and recreation department publishes an online map showing the locations of its facilities and their amenities (such as pools, tot lots, and tennis courts) citywide. The map indicates which of the identified amenities are accessible to persons with disabilities.

A transportation department publishes an online map showing all improved city streets, locations of curb ramps, bike facilities, transit stops, parking lots, on-street disabled parking spaces, city buildings, and other major landmarks, to assist with trip planning.

Both of these online maps should include a phone number and e-mail address for seeking additional accessibility information. These maps must also be designed to be usable by persons who rely on screen reader software, and with easy to read graphics, which can help persons with cognitive disabilities or who have low vision.

5.1.3 Self-Evaluation Follow-up Interview Protocol

City of Oakland ADA Title II Self-Evaluation Update

Departmental Interview Questions

1. Which of your programs have had experience with serving City of Oakland customers who have disabilities?

2. a. Please tell us about your experiences serving members of the public who have disabilities.

   b. What have been some of your positive experiences when interacting with, or providing services to, children, adults or seniors who have disabilities?

   c. What have been some of your less positive, or negative, experiences?

3. Tell us about your experience providing City customers with disability accommodations. (Examples: providing a sign language interpreter, reader or note taker, furnishing large print, Braille, or e-mail copies of printed materials, describing aloud what is written on a blackboard, or otherwise assisting a person with a disability to participate in program activities.)

4. Tell us about your experience communicating with customers who are Deaf, or are hard of hearing, or who have speech disabilities. (Examples: by texting, by e-mail, by using a TTY, by using the California Relay Service.)

5. a. Have you ever had to modify a program policy or procedure in order for a City customer with a disability to fully participate in any of your programs or services? (Examples: allowing a person's guide dog to accompany them during program participation, allowing a person to use adaptive aids during program participation, relocating a program or service to an accessible site.)

   b. If so, how was the modification of the policy or procedure accomplished?

   c. What were the results for the customer and for your staff?

6. a. Have any City customers with disabilities been unable to participate in any of your programs?

   b. If they were unable to participate, why couldn't they?

7. a. Have you ever had to refuse permission for a person with a disability to participate in one of your programs, or to receive a service that you ordinarily offer to the public?

    b. If you had to do this, what were the reason or reasons that you did so?

8. a. Does your Department, or do any of your programs, provide or coordinate any public meetings or public special events?

    b. What has your experience been following the City of Oakland's special events policy regarding holding the events at wheelchair accessible locations, and providing equally effective communication for people with disabilities who attend?

9. a. Does your Department use third-party contractors to provide any services or programs offered to the public?

    b. If so, do you need assistance monitoring these contractors' compliance with ADA requirements?

10. a. To your knowledge, has your Department, or have any of your programs or services, been the object of a complaint from a member of the disability community?

    b. If so, what did the complaint involve, and how did you handle it?

11. In terms of serving Oakland residents with disabilities, in what areas do you think your Department has done especially well?

12. What type of training, tools, or other assistance would enhance your Department's ability to serve people with disabilities?

13. With your supervisor's approval, are you willing to participate in a quarterly meeting with other DACs and the ADA Programs Division to receive training and exchange information?

14. What other questions do you, your staff, and/or your contractors have about serving City of Oakland customers with disabilities?

Thank you very much for you time and attention.

5.1.4 Self-Evaluation Update Follow-up E-mail Questionnaire

Directions:

Please fill in your answers to the following questions. Then, save your document and e-mail it to consultants@brucknerconsultants.com

Questions:

1. What do you think your Department has done especially well when serving Oakland residents with disabilities?

2. Please give us a few examples of your experience providing City customers with disability accommodations. (Examples: providing a sign language interpreter, reader or note taker, furnishing large print or Braille, or otherwise assisting a person with a disability to participate in program activities.)

3. Please tell us about your experience communicating with customers who are Deaf, or are hard of hearing, or who have speech disabilities. (Examples: in face-to-face interactions, or by texting, or by e-mail, or by using a TTY, or by using the California Relay Service.)

4. When your Department sponsors public special events, what has been your experience following the City of Oakland's special events policy regarding holding the events at wheelchair accessible locations, and providing equally effective communication for people with disabilities who attend?

5. What type of assistance do you need for monitoring how well your contractors who provide services to the public are complying with Americans with Disabilities Act (ADA) requirements?

6. Have any City customers with disabilities been unable to participate in any of your programs, activities or services?   Yes/No

   If they were unable to participate, why couldn't they?

7. Have you ever had to refuse permission for a person with a disability to participate in one of your programs, or to receive a service that you ordinarily offer to the public? Yes/No

   If you had to do this, what were the reason or reasons that you did so?

8. To your knowledge, has your Department or program been the object of a complaint from a member of the disability community? Yes/No

   If so, what did the complaint involve, and how did you handle it?

9. What type of training, tools, or other assistance would enhance your department's ability to serve people with disabilities?

10. With your supervisor's approval, are you willing to participate in a quarterly meeting with other DACs and the ADA Programs Division to receive training and exchange information?

Thank you very much for you time and attention,
William and Victoria Bruckner

Departments that received the questionnaire

Seven Departmental Access Coordinators who completed the online SE Update Survey were sent a follow up questionnaire. Four of the DACs received abbreviated versions because some of the questions were not applicable.

- Animal Services   (omitted item # 5)
- City Clerk
- City Clerk/KTOP   (omitted items # 4 & 5)
- Human Services
- Library   (omitted item # 5)
- Oakland residents Assistance Center (omitted items # 4, 5, 6, and 7)
- Parks & Recreation

5.2 Disability and Deaf Community Participation in the ADA Title II Citywide Self-Evaluation Update Process

Outreach to collect community input

Staff from the ADA Programs Division conducted special community forums in order to collect input from members of the disability and Deaf community. The following is a list of the dates and locations of these forums.

March 31:   City Hall

April 11:   Center for Independent Living, Downtown Oakland office

April 13:   Center for Independent Living, Fruitvale office

May 20:   Fruitvale/San Antonio Senior Center

Also in April and May, staff attended/will be attending regularly scheduled community meetings to inform community members of the opportunity to provide input via the survey, as follows:

April 15:   Downtown Oakland Senior Center Advisory Council

April 21:   North and West Oakland Senior Center Advisory Council

April 25:   East Oakland Senior Center Advisory Council

May 23:   Allen Temple Baptist Church Disability Ministry Meeting

Finally, hard copies of surveys and tent cards with information regarding how to access the survey online were distributed/posted at all the Downtown, North, West, East Oakland, Hong Lok and Fruitvale/San Antonio Senior Centers; at various library branches; and at the Human Services Department's job seekers' computer lab.

5.2.1 The City of Oakland Disability and Deaf Community Survey

The City of Oakland is in the process of updating its Americans with Disabilities Act (ADA) Title II Self-Evaluation. An ADA Self-Evaluation is the City's review of its programs, activities and services, and its current policies and practices as they relate to providing full and equal access to persons with disabilities.

An important part of the self-evaluation update process involves getting feedback from people with disabilities, their family members, and disability community agencies, regarding experiences using City services and participating in City programs and activities.

Some examples of the many programs, activities and services offered by the City of Oakland include, but are not limited to:

Animal Care Services	Paramedic Services
Building Permits	Parking Tickets
Business Tax License	Police Services
Emergency Services	Public Library
Head Start	Recreation Programs
Housing Services	Senior Center Programs
Meetings & Special Events	Street and Sewer Repair

We want to hear about your experiences with City of Oakland programs, activities and services, attending City Council and Commission meetings, and participating in City special events such as the annual Art & Soul festival.

Thank you,

City of Oakland ADA Self-Evaluation Team

This survey is optimized when using the Chrome (https://www.google.com/intl/en/chrome/) or Firefox browsers (https://www.mozilla.org/en-US/firefox/new/). For more information or for assistance with completing this form, please contact Sherri Rita, City ADA Programmatic Access Coordinator, 510-238-6919 or at srita@oaklandnet.com

1. I am:

   Check all that apply.

   A person with a disability

   A family member with a disability

   A service provider with a disability

   Other

2 If "other" please describe:

3. What City of Oakland services have you or others with a disability used/participated in? (select all that apply**)**

   Paying a parking ticket

   Adopting an animal/other Animal Services

   Library services

   Paramedic services / other emergency services

   Police services

   Head Start / Early Head Start

   Recreation Center programs

   Senior programs

   Public Works programs (Call Center, requests; requests for sidewalk or pothole repair, disabled parking; etc.)

   Meetings / Special Events

   Other

4. If you checked "other" above, please describe what other City services you or others with a disability have used/participated in

---

5. Please indicate generally how you would rate your experience or that of others with disabilities in accessing City services:

   Mark only one: Excellent / Very Good / Okay / Poor

6. Please describe why you selected the rating above:

7. Do you believe that you or others with disabilities have been denied access to City services, or the opportunity to participate in any City programs or activities, because of disability?   *YES / NO*

8. If "yes" please describe

9. Have you or others encountered any of the following disability-related barriers when trying to participate in City programs, attend City-sponsored public meetings or events, or use City services?

   Check all that apply.

   Did not receive assistance with filling out forms or obtaining them in an alternative format

   Program/service in an inaccessible location

   Requested but did not receive sign language interpretation, assistive listening device or real-time captioning

   Did not know how to request auxiliary aids or services in advance of attending/participating in a program, activity or service

   Unable to request auxiliary aids or services or obtain accessibility information because I called the TTY number & no one answered

   Unable to request auxiliary aids or services or obtain accessibility information because someone hung up on the relay operator

   Unable to obtain information or take part in City services online because the website content/forms were inaccessible

   Service counter too high or cluttered

   Excluded from a service, program, or activity because of a service animal

   Directed to a different program just for persons with disabilities

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Informed that persons with disabilities are unable to participate in program, service, or activity

Staff asked questions about my disability

Harassed or retaliated against in a City program, activity, or service based on disability

Other (please describe below)

10. Please describe the barriers you encountered and in what City program, activity, or service:

11. Are you aware of the City's ADA Grievance Procedure?

    Mark only one .   YES / NO

12. If you have used the City's ADA Grievance Procedure, please describe the results:

    Mark only one

    Fully resolved the complaint

    Partially resolved the complaint

    Did not resolve the complaint

    Other (please describe below)

13. Please describe your experience with the City's ADA Grievance Procedure:

14. Please provide any additional feedback that will help the City improve its delivery of services, programs, and activities to persons with disabilities

5.3 Departmental Access Coordinators' Roster (current as of May 2016)

Department/Program	DAC	Contact Information
Aging & Adult Services/Human Services Department	Scott Means	smeans@oaklandnet.com 510.238.6137
Auditor	Timothy Knight	tknight@oaklandnet.com 510.238.3379
Building Division/Planning & Building Department	Kevin Dumford	kdumford@oaklandnet.com 510.238.6217
Bureau of Engineering & Construction/Public Works Department	Christine Calabrese (interim)	ccalabrese@oaklandnet.com 510.238.4754
Bureau of Facilities & Environment/Public Works Department (Building & Facilities Maintenance)	Derin Minor	dminor@oaklandnet.com 510.238.3998
Bureau of Facilities & Environment/Public Works Department (Parks)	Brian Carthan	bcarthan@oaklandnet.com 510.615.5510
Bureau of Infrastructure & Operations/Public Works Department	Vacant	
Children & Youth Services/Human Services Department	Sachelle Heavens	SHeavens@oaklandnet.com 510.238.3088
City Clerk/KTOP	Michael Munson	mmunson@oaklandnet.com 510.238.6565
City Clerk/Records	Sandy Wong	swong@oaklandnet.com 510.238.7979
Economic & Workforce Development/Business Assistance Center	Susana Villareal	svillareal@oaklandnet.com 510.238.7794
Economic & Workforce Development/General	Donna Howell	dhowell@oaklandnet.com 510.238.3852
Economic & Workforce Development/ Workforce Investment Board	Lazandra Dial	ldial@oaklandnet.com 510.238.3474
Emergency Services/Fire Department	Genevieve Pastor-Cohen	Gpastor-cohen@oaklandnet.com 510.238.2326
Finance Department	Shahla Azimi	sazimi@oaklandnet.com 510.238.2972
Housing and Community Development Department	Sylvia Shannon	Sshannon@oaklandnet.com 510.238.3715

Department/Program	DAC	Contact Information
Library	Jamie Turbak	jturbak@oaklandnet.com 510.238.6610
Oakland Animal Services	Tiana Scott	tscott@oaklandnet.com 510.535.5602
Oaklander's Assistance Center/Mayor's Office	Al Lujan	alujan@oaklandnet.com 510.238.7366
Parks & Recreation Department	Erin Burton	eburton@oaklandnet.com 510.597.5064
Planning Division/Planning & Building Department	Aubrey Rose	arose@oaklandnet.com 510.238.2071
Police-Training Division	Doria Neff	dneff@oaklandnet.com -----
Police-Youth and Community Services	Vacant	
Project Implementation	Vacant	
Public Works Administration/Public Works Department	Yolanda Lopez	ylopez@oaklandnet.com 510.238.2098

5.4 City of Oakland ADA Policies and Procedures

The following is a list of the Citywide ADA policies and procedures reviewed during the Self-Evaluation Update project.

City Access Policy: Administrative Instruction 123

The City Access Policy outlines procedures and guidelines, and designates parties responsible for ensuring that City departments shall not discriminate on the basis of disability in employment or any of its programs, activities or services.

ADA Title II Grievance Procedure

This Grievance Procedure is established to meet the requirements of Title II of the Americans with Disabilities Act of 1990 (ADA). It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs or benefits by the City of Oakland. A separate form and procedure is to be used when filing a complaint alleging City of Oakland employment discrimination. This grievance procedure does not address complaints of disability discrimination involving other public entities or private businesses.

Special Event Access for People with Disabilities Policy and Procedures

It is the policy of the City of Oakland to make its special events accessible to people with disabilities in accordance with ADA requirements. Special events include indoor and outdoor concerts, festivals, fairs, luncheons, ceremonies and other activities to which the public is invited, whether held on City property or at other sites. This policy contains procedures for making these events accessible for people who have a range disabilities and access needs.

On-Street Disabled Parking Zone Policy and Program

The City of Oakland establishes on-street disabled parking zones in the public right of way where required by the ADA. This policy provides a schedule for remediation of existing non-compliant disabled parking zones in the public right of way. The City operates additional discretionary programs under which on-street disabled parking zones may be installed upon request by qualified individuals with disabilities and by public accommodations.

Web Site Access Policy

All City web sites shall be designed to be substantially compliant with the ADA; and all people, regardless of their physical, sensory or developmental abilities, shall have access to the City's web-based information and services. The City Web Site Access Policy established guidelines and procedures for achieving this compliance.

Contract Schedules C-1 and C-2

Contract Schedule C-1, *Declaration of Compliance with the ADA*

Private organizations that provide goods and services to the public have independent responsibilities under Title III of the Americans with Disabilities Act, regardless of their funding sources. Contract Schedule C-1, provides a mechanism by which outside agencies acknowledge their general obligations under the ADA before providing goods or services to the City.

Contract Schedule C-2, *Declaration of ADA Compliance for Facility Use and Special Events Agreements*

Contract Schedule C-2 provides a mechanism by which outside agencies acknowledge their obligations under the ADA and the City's ADA Special Events Policy before utilizing City facilities for public events and/or delivering special event services to the City.

Auxiliary Aids and Services Request Forms

These are forms that City staff may use when responding to requests for auxiliary aids and services from customers with disabilities who wish to attend City meetings or events, or to participate in City programs or activities. These forms may be used to arrange for sign language interpreting services, real time captioning services, Braille translation of printed materials, and audio translation of printed materials.

Note: Per the scope of this Self-Evaluation Update project, the consultants did not review the Equal Employment Opportunity/Anti-Discrimination/Non-Harassment Policy and Complaint Procedure (Administrative Instruction 71). City of Oakland Equal Opportunity Employment Programs are administered by the Human Resources Management Division. In addition, the consultants were not tasked with reviewing the City's Mass Care and Shelter Plan and Mass Care and Shelter Plan Functional Needs Annex.

5.5 ADA Notice

City of Oakland Notice of Compliance Under The Americans With Disabilities Act

In accordance with the requirements of the Americans with Disabilities Act (ADA) of 1990, the California Fair Employment & Housing Act (FEHA), the Rehabilitation Act of 1973 (as amended), and other applicable laws and codes, the City of Oakland will not discriminate against individuals on the basis of disability in its services, programs or activities.

Complaints that a program, activity or service of the City of Oakland is not accessible should be directed to the City ADA Coordinator:

<div align="center">

Christine Calabrese, Citywide ADA Coordinator, City of Oakland
1 Frank H. Ogawa Plaza, 11th Floor / Oakland, CA 94612
Phone: (510) 238-5219 / TTY: (510) 238-2007
Email: ccalabrese@oaklandnet.com

</div>

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

Effective Communication: The City of Oakland will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities, including sign language interpreters, documents in Braille and other ways of making information and communication accessible to people with disabilities so they can participate equally in the City's programs, services and activities.

Modification to Policies and Procedures: The City of Oakland will make 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 behaving within applicable standards are welcome in City offices and facilities, even when pets are generally prohibited.*

Anyone who requires auxiliary aids and services for effective communication, or a modification of policies or procedures to participate in a City program, service or activity should contact the Departmental Access Coordinator **[insert a web link to the DAC roster here]** for the Department offering the service or event, as soon as possible, but no later than **3 business days/72 hours** before the scheduled event.

Neither the ADA nor state law require the City of Oakland to take actions that would fundamentally alter the nature of its programs, activities or services, or impose an undue financial or administrative burden.

The City of Oakland will not place a surcharge on a particular individual with a disability or a group of individuals with disabilities to cover the cost of providing auxiliary aids/services or reasonable modifications of policy.

5.5.1   Posting ADA Notice

How and where should the notice be provided?

The U.S. Department of Justice states that "publishing and publicizing the ADA notice is not a one-time requirement...local governments should provide the information on an ongoing basis." (ADA Best Practices Tool Kit for State and Local Governments, 2006)

The Department of Justice suggests a variety of ways to provide this notice. These include the following.

- Publish the notice on the government entity's **website** (Also, consider posting an ASL video clip of the Notice on the City of Oakland website, as was done by the City of Fresno)
- Post the notice **at all facilities** (and program and service sites)
- Include the notice with **job applications**
- Publish the notice periodically in **local newspapers**
- Broadcast the notice in public service announcements on **local radio and television stations**
- Include the notice in **program handbooks**
- Include the notice in **activity schedules**
- Announce the notice at **meetings** of programs, services, and activities
- Publish the notice as a **legal notice** in local newspapers
- Post the notice in bus shelters or other **public transit stops**

(ADA Best Practices Tool Kit for State and Local Governments, 2006)

5.6   City of Oakland Accessible Meeting Information

Accessible Meeting Information should be included as part of each of the City's notices including meeting agendas, e-mails, website postings, and flyers. The following are two versions of suggested language that the City of Oakland and its Departments, Divisions, offices, or programs can use.

**Accessible Meeting Information
(Long Version)**

This meeting is accessible to persons using wheelchairs and others with disabilities. Materials in alternative formats, such as large print, and ASL interpreters, real-time captioning and other accommodations will be made available upon request. Please make your request for alternative format or other accommodations, to *[name, phone, and email]*. Providing at least (3?/5?) business days' notice prior to the meeting will help to ensure availability. (If assistive listening devices are at the site, as in City Hall, write "Assistive listening devices are available.")

AC Transit bus lines serving the area are *[Specific Info]*. Accessible curbside parking is available on *[Specific Info]*. (**If applicable)** The nearest BART station is *[Specific Info]*

Also, in compliance with Oakland's policy for people with environmental illness or multiple chemical sensitivities, please refrain from wearing strongly scented products to meetings.

**Accessible Meeting Information
(Limited Space, Short Version)**

This meeting is wheelchair accessible. To request materials in alternative formats, or to request an ASL interpreter, captioning, assistive listening device, or other accommodations, please contact *[Individual's name, telephone and e-mail contact information]* at least (3?/5?) business days before the meeting. Please refrain from wearing scented products to this meeting so persons who may experience chemical sensitivities can attend.

5.7   Daily Facility Checklist: Maintenance of Accessible Features

Maintenance of accessible features helps to provide equitable access to San Francisco Public Library facilities as well as collections, programs and other public services. In fact, SFPL is required by law to maintain its facilities and equipment so that they are readily accessible and usable by individuals with disabilities.

This checklist is to be reviewed as a part of each day's opening routine. As you walk through the library, move furniture or other objects that are making paths of travel inaccessible. Note any problems you cannot safely and readily correct and bring them to the attention of your supervisor or division head.

√   Item

__ Doorways are clear and doors open easily.

__ Automatic door opener (if any) is working correctly.

__ Elevators & wheelchair lifts (if any) are operable; no obstructions block access to call buttons

__ Floors are dry, carpet is flat and edges of rain mats are flush with the floor.

__ Floors are clear of trash and debris, including toys, board books, magazines, etc. that could cause people to slip or fall.

__ All aisles as well as paths around tables, between security pylons, etc. are at least 36" wide and free of book trucks, step stools, plants, displays, etc.

__ Protruding objects, including oversized books, do not extend more than 4" into paths of travel.

__ Furniture is in place with chairs pushed in.

__ Signs, including blue & white disability information placards, are clear, accurate, & not blocked.

__ Banners, displays, etc. hang no lower than 80" from the floor where people walk.

__ Hazardous areas are clearly marked from all accessible sides.

__ Accessible workstations and adaptive aids are working.

__ Adaptive equipment stored at the desk is in place.

__ Public toilet rooms are cleared of any storage items or furniture. Trash cans are not located adjacent to the latch side of a door or blocking paths in toilet rooms. Baby changing appliances are securely closed.

Any other access concerns?

Date: _____   Time: _____

Surveyed by: _____   Branch / Main Floor: _____

Adapted from a checklist developed by Marti Goddard, San Francisco Public Library Access Services Manager and ADA Coordinator, and used with her permission.

5.8   Guidelines for Writing About People With Disabilities

Developed by, and used with the permission of, the ADA National Network
http://adata.org/factsheet/ADANN-writing

Words are powerful.

The words you use and the way you portray individuals with disabilities matters. This factsheet provides guidelines for portraying individuals with disabilities in a respectful and balanced way by using language that is accurate, neutral and objective.

1. **Ask to find out if an individual is willing to disclose their disability.**

Do not assume that people with disabilities are willing to disclose their disability. While some people prefer to be public about their disability, others choose to not be publically identified as a person with a disability.

2. **Emphasize abilities, not limitations.**

Choosing language that emphasizes what people can do instead of what they can't do is empowering.

Use	Don't Use
Person who uses a wheelchair	*Wheelchair-bound;* *confined to a wheelchair*
Person who uses a communication device; *uses an alternative method of communication*	*Is non-verbal; can't talk*

3. **In general, refer to the person first and the disability second.**

People with disabilities are, first and foremost, people. Labeling a person equates the person with a condition and can be disrespectful and dehumanizing. A person isn't a disability, condition or diagnosis; a person *has* a disability, condition or diagnosis. This is called Person-First Language.

Use	Don't Use
Person with a disability, people with disabilities	*Disabled person; the disabled*
Man with paraplegia	*Paraplegic; paraplegic man*
Person with a learning disability	*Slow learner*
A person of short stature or little person	*Dwarf, midget*

4. **However, always ask to find out an individual's language preferences.**

People with disabilities have different preferences when referring to their disability. Some people see their disability as an essential part of who they are and prefer to be identified with their disability first – this is called Identity-First Language. Others prefer Person-First Language. Examples of Identity-First Language include identifying someone as a *deaf person* instead of a *person who is deaf*, or an *autistic person* instead of a *person with autism*.

5. **Use neutral language.**

Do not use language that portrays the person as passive or suggests a lack of something: *victim*, *invalid*, *defective.*

Use	Don't Use
Person who has had a stroke	*Stroke victim*
Congenital disability	*Birth defect*
Person with epilepsy	*Person afflicted with epilepsy, epileptic*
Person with a brain injury	*Brain damaged, brain injury sufferer*
Burn survivor	*Burn victim*

6. **Use language that emphasizes the need for accessibility rather than the presence of a disability.**

Use	Don't Use
Accessible parking	*Handicapped parking*
Accessible restroom	*Disabled restroom*

Note that 'handicapped' is an outdated and unacceptable term to use when referring to individuals or accessible environments.

7. **Do not use condescending euphemisms.**

Terms like *differently-abled*, *challenged*, *handi-capable* or *special* are often considered condescending.

8. **Do not use offensive language.**

Examples of offensive language include *freak, retard, lame, imbecile, vegetable, cripple, crazy, or psycho.*

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9. **Describing people without disabilities.**

In discussions that include people both with and without disabilities, do not use words that imply negative stereotypes of those with disabilities.

Use	Don't Use
People without disabilities	*Normal, healthy, able-bodied, whole*
She is a child without disabilities	*She is a normal child*

10. **Remember that disability is not an illness and people with disabilities are not patients.**

People with disabilities can be healthy, although they may have a chronic condition such as arthritis or diabetes. Only refer to someone as a patient when his or her relationship with a health care provider is under discussion.

11. **Do not use language that perpetuates negative stereotypes about people who have psychiatric or mental health disabilities.**

Much work needs to be done to break down stigma around mental health disabilities. The American Psychiatric Association has new guidelines for communicating responsibly about mental health.

Use	Don't Use
He has a diagnosis of bipolar disorder; he is living with bipolar disorder	*He is (a) bipolar; he is (a) manic-depressive*
Attempted suicide	*Unsuccessful suicide*
Died by suicide	*Committed suicide*
Is receiving mental health services	*Mental Health patient/case*
Person with schizophrenia	*Schizophrenic, schizo*
Person with substance use disorder; person experiencing alcohol/drug problem	*Addict, abuser; junkie*
She has a mental health condition, mental health challenge, or psychiatric disability	*She is mentally ill/ emotionally disturbed/ insane*

12. **Portray successful people with disabilities in a balanced way, not as heroic or superhuman.**

Do not make assumptions by saying a person with a disability is heroic or inspiring because they are simply living their lives. Stereotypes may raise false expectations that everyone with a disability is or should be an inspiration. People may be inspired by them just as they may be inspired by anyone else. Everyone faces challenges in life.

13. **Do not mention someone's disability unless it is essential to the story.**

The fact that someone is blind or uses a wheelchair may or may not be relevant to the article you are writing. Only identify a person as having a disability if this information is essential to the story. For example, say, "Board president Chris Jones called the meeting to order." Do not say, "Board president Chris Jones, who is blind, called the meeting to order." It's ok to identify someone's disability if it is essential to the story. For example, "Amy Jones, who uses a wheelchair, spoke about her experience with using accessible transportation."

14. **Create balanced human interest stories instead of tear-jerking stories.**

Tearjerkers about incurable diseases, congenital disabilities or severe injury that are intended to elicit pity perpetuate negative stereotypes.

5.9 City of Oakland ADA Title II Citywide Self-Evaluation Update 2016 Action Items Log

The City of Oakland ADA Title II Citywide Self-Evaluation Update 2016 Action Items Log was developed as part of the City of Oakland Americans with Disabilities Act Title II Citywide Self-Evaluation Update Report (July 2016).

This document, presented in table format, is a tool for ongoing tracking of actions undertaken by the City in its effort to comply with the non-structural requirements for public entities described in Title II of the Americans with Disabilities Act (ADA) of 1990, as amended.

The recommended action items contained in this Log were derived from perceived gaps in ADA compliance revealed through the review of City print and online documents distributed to the public, staff online survey responses, community survey responses, and public comments at community meetings.

City of Oakland ADA Self-Evaluation Update 2016 Action Items Log

Category	Requirement	Regulatory Reference	City Policy Reference	Description of Deficiency	Action	Deadline
Administration & General Requirements	Notice	28 C.F.R §35.106	AI 123	Lack of notice language on City communications	ADA Programs Division to develop and work with DACs to have posted on department websites and onsite locations	
	Grievance Procedure	28 C.F.R §35.107(b)	AI 123	Lack of knowledge among staff and public regarding grievance procedure	ADA Programs Division to work with DACs to place information re: grievance procedure on departmental web pages and make available at program sites, including 3rd party sites	
	No Discrimination through Contract	28 C.F.R §35.130	AI 123	Lack of active monitoring 3rd party contractors delivering City services	ADA Programs Division to work with DACs to ensure all contractors aware of and make available Grievance Procedure and have reviewed and understand AI 123, including but not limited to offering contractor training	
					ADA Programs Division to work with DACs to develop methods for proactively monitoring contractors	
					ADA Programs Division to work with DACs to ensure participants in 3rd party administered programs can access necessary auxiliary aids and services and other program modifications, especially in Head Start/Early Head Start programs	

Category	Requirement	Regulatory Reference	City Policy Reference	Description of Deficiency	Action	Deadline
Maintenance of Accessible Features	Maintain in operable working condition those features of facilities and equipment that are required to be readily accessible to and usable by persons with disabilities	28 C.F.R. §35.133	AI 123	Lack of regular schedule or specific system for monitoring usability of accessibility features at program/department level	ADA Programs Division to work with DACs to develop maintenance checklists so that program staff can regularly assess the usability of features and equipment used in their programs by individuals with disabilities	
Program Access	Each service, program, activity of a public entity shall be operated so that when viewed in its entirety, it is readily accessible to and usable by individuals with disabilities, such as by redesign or acquiring equipment, reassignment of services to accessible buildings, assignment of aides to participants, home visits, delivering services at alternate accessible sites, altering existing facilities, construction of new facilities, or any other methods.	28 C.F.R. §35.150	AI 123	Head Start/Early Head Start facilities in older buildings that may not be fully physically accessible	ADA Programs Division to work with HSD-Children & Youth Services DAC and Head Start/Early Head Start administrators to identify structural barriers and facilitate nonstructural methods for providing program access as needed	

Category	Requirement	Regulatory Reference	City Policy Reference	Description of Deficiency	Action	Deadline
Program Access	Each service, program, activity of a public entity shall be operated so that when viewed in its entirety, it is readily accessible to and usable by individuals with disabilities, such as by redesign or acquiring equipment, reassignment of services to accessible buildings, assignment of aides to participants, home visits, delivering services at alternate accessible sites, altering existing facilities, construction of new facilities, or any other methods.	28 C.F.R. §35.150	AI 123	Need inventory and accessibility assessment of 3rd party program sites	Include in ADA Buildings & Facilities Transition Plan Update	
				Need inventory and accessibility assessment of parks and recreation assets	Include in ADA Buildings & Facilities Transition Plan Update	
				Parks & Recreation programs may not be sufficiently geographically dispersed	Work with OPR-DAC to map all programs and locations; establish criteria for identifying priority locations for offering programs not already available in a specific area and provide recommendations to OPR Department Head	
				Need updated program for enhancing accessibility at program sites heavily used by individuals with disabilities	Include in ADA Buildings & Facilities Transition Plan Update and annual ADA On-Call CIP programming	

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				Lack of coordination with the ADA Programs Division and other programs responsible for carrying out ADA compliance responsibilities in projects or decisions affecting transportation and public right of way access for persons with disabilities	Include in ADA Transportation Transition Plan Gap Analysis recommendations to City Administrator for improving coordination among disability compliance, transportation, and other capital project stakeholders	

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				Inconsistent or delayed wait times when applying for specialized services such as residential blue zones, paratransit and off-street trash pickup	ADA Programs Division to continue to monitor delivery of specialized services for individuals with disabilities and remind relevant DACs of the priority that these requests must be given	

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Communications	The City shall furnish appropriate auxiliary aids and services to afford qualified individuals with disabilities an equal opportunity to participate in a service, program, or activity	28 C.F.R. §35.160(b)(1)	AI 123	Inconsistent or nonexistent information regarding the availability of auxiliary aids and services or how to obtain accessibility information for public meetings and special events on announcements and other communications	ADA Programs Division to work with DACs and Public Information Officers to create and distribute language for informing people of the availability of auxiliary aids and services, event venue accessibility, and contact information for additional requests or information; Public Information Officers to enforce use of this standardized language in all communications regarding meetings and events	
				Inconsistent or nonexistent information regarding TDD options provided on Department materials, including for OFD and OPD non-emergency services	ADA Programs Division to work with OFD and OPD DACs to ensure inclusion of TDD options on all print and electronic materials where phone numbers are listed	
				No Text to 911 capability	ADA Programs Division to work with OPD DAC to monitor OPD efforts towards bringing Text to 911 capability to the City	

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Departmental Access Coordinators Network	Public entities that employ 50 or more persons shall designate at least one employee to coordinate its efforts to comply with and carry out responsibilities under the ADA; the City must make available the name, address, and phone number of the employees so designated	28 C.F.R. §35.107(a)	AI 123; AI XXX (DAC Network Policy)	Lack of coordinated DAC Network, definition of duties, and staff support	City Administrator to re-establish DAC network and policy	
					ADA Programs Division to hold, at a minimum, quarterly DAC meetings/trainings	
					ADA Programs Division to ask City Administrator to examine how to incentivize serving as a DAC such as premium pay for advanced training/certifications and implement accordingly	
					In new DAC AI, establish parameters for DAC responsibilities such as number of hours required and/or special expertise based on department needs	
					ADA Programs Division to create resources including server and web-based DAC resources and tools	

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Departmental Access coordinators Network	Public entities that employ 50 or more persons shall designate at least one employee to coordinate its efforts to comply with and carry out responsibilities under the ADA; the City must make available the name, address, and phone number of the employees so designated	28 C.F.R. §35.107(a)	AI 123; AI XXX (DAC Network Policy)	Lack of coordinated DAC Network, definition of duties, and staff support	ADA Programs Division to work with DACs and Public Information Officers to provide periodic disability access updates to all staff which will provide tools and reminders for day to day ADA compliance	
					ADA Programs Division to offer more intensive technical assistance and training support to newly appointed or less experienced DACs	
					ADA Programs Division to offer targeted support to OPR and HSD staff via their DACs regarding program planning, advertising, and administration to welcome participants with disabilities, including making arrangements for auxiliary aids and services and other program modifications	
ADA Programs Division		28 C.F.R. §35.107(a)		Lack of sufficient staff within the ADA Programs Division to more effectively coordinate physical and programmatic access citywide	Achieve full staffing of the ADA Programs Division, so that it is able to more effectively coordinate physical and programmatic access citywide.	

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Community Engagement			Ordinance No. 13334 C.M.S.	Need for greater participation of individuals with disabilities on City boards and commissions, especially those that are instrumental in creating resources for or redressing the concerns of persons with disabilities, such as the Workforce Investment and Citizens' Police Review boards	ADA Programs Division to assist Mayor's Commission on Persons with Disabilities with the development/implementation of strategies for increasing disability community participation in City boards and commissions	
				No formal mechanism for disability community participation in the development of curricula and delivery of trainings for first responders regarding crisis intervention involving persons with disabilities	ADA Programs Division to support the Mayor's Commission on Persons with Disabilities in the latter's role of overseeing and advising on City policies and practices, including those training practices, for first responders.	