



Americans with Disabilities Act Transition Plan

Public Review Draft
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pps.net/accessibility

Contents

PLAN INTRODUCTION	2
ADA Title II Overview	2
Collective Access	3
Resolving Grievances	4
Beyond Compliance	4
PLAN DEVELOPMENT PROCESS	5
Self-Assessment	5
Prioritizing Barrier Removal Across the District	6
Community Engagement	7
Response Summary - Task Force	8
Main-level Accessibility District-wide	9
One Accessible School at Each Configuration, per Cluster	9
Title I First	9
Special Education & Focus Option	10
Elevators at Buildings with Multi-level Programming	11
Public Review of Draft Plan - section in progress pending community engagement	11
Virtual Town Hall - section in progress pending community engagement	11
IMPLEMENTATION OVERVIEW	12
Plan Timeline and Phases	12
Barrier Removal Schedule	12
Implementation	13

AVAILABLE UNDER SEPARATE COVER:¹

[Appendix A: Cost Estimates by Configuration & Building System](#)

[Appendix B: Cost Estimates by Building Code Category](#)

[Appendix C: Site Selection Tool](#)

[Appendix D: Transition Plan Workbook](#)

¹ Underlined text throughout this document is hyperlinked.

PLAN INTRODUCTION

Portland Public Schools is committed to equitable access to all programs, for all students, regardless of ability. To quote the District's Equity Policy, "... it is the responsibility of our school district to give each student the opportunity and support to meet his or her highest potential." Yet most of the District's buildings and grounds subvert this goal for individuals experiencing disability. Prior to 1973² - when 90 of the District's 99 buildings were constructed, protections for the disabled did not exist. Students, staff, and community members continue to face obstacles from the pernicious architecture of this time.

This plan will guide the District's future improvements and establish clear sightlines to achieve full-accessibility, District-wide. The magnitude of this effort cannot be overstated. Few schools within the PPS portfolio are fully accessible per Federal and State requirements, and the current estimate to bring all sites in alignment with Oregon building code exceeds \$100,000,000. A schedule of improvements broken out into five phases can be found in the last section. The phasing presented here is subject to change based on forthcoming community conversations.

ADA Title II Overview

Signed in 1990, the Americans with Disabilities Act (ADA) civil rights law established standards for eliminating discrimination against people with diverse abilities. The milestone in the civil rights movement plays a formative role in the basic rights of students and families. The District recognizes the importance of ensuring full accessibility to all facilities. To provide these, the District shall develop and implement an appropriate plan that provides for District compliance with the Americans with Disabilities Act.

The ADA is divided into five topic areas:

- Title I: EMPLOYMENT
- Title II: PUBLIC SERVICES
- Title III: PUBLIC ACCOMMODATIONS
- Title IV: TELECOMMUNICATIONS
- Title V: MISCELLANEOUS PROVISIONS

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

² The Rehabilitation Act of 1973 became law.

Further, Title II mandates that public entities may not require eligibility criteria for participation in programs and activities that would screen persons with disabilities unless it can be proven that such requirements are necessary for the service or program's mandatory provision. A public entity must reasonably modify its policies and procedures to avoid discrimination toward individuals with disabilities. If the public body can demonstrate that a modification would fundamentally alter its programming, it would not be required to make that modification. Title II also discusses the use of auxiliary aids necessary to enable persons who have visual, hearing, mobility, or similar impairments to gain access to programs and activities provided by making appropriate and reasonable accommodation.

The sole limitation of these requirements would be modifications causing undue hardship. "Undue hardship" is defined in the ADA as an "action requiring significant difficulty or expense" when considering the nature and cost of the accommodation with respect to the size, resources, and structure of the specific operation. Undue hardship will be determined in the context of District resources and on an individual basis. The District completed a self-evaluation, described below, to assess its programs and services to assure that barriers are identified and removed. Where it is necessary to remove architectural barriers to program accessibility, the District must also prepare a transition plan.

The primary purpose of the transition plan is to provide an actionable and coordinated work plan for removing architectural barriers across the buildings and grounds. Stated another way: this plan guides the *transition* to compliance with standards, thereby improving Portland Public Schools' facilities for people with disabilities. The transition plan outlines the structural and programmatic modifications necessary for equitable access to all District programming.

Collective Access

Collective access is an essential principle of the ADA and this transition plan. District programming must be considered at the systems level to ensure incremental, meaningful access is provided over time. The frameworks discussed here are necessarily scaleable and systems-driven.

On this score, the ADA grants that: "A public entity shall operate each service, program, or activity so that the service, program or activity, *when viewed in its entirety*, [emphasis added] is readily accessible to and usable by individuals with disabilities" (28 CFR 35.150). And so through balancing financial and logistical realities with community vision, the plan will outline strategies that are both structural and non-structural to provide equitable program access across Portland Public Schools.

The distinction between structural and non-structural modifications warrants further discussion. Where appropriate, this transition plan addresses accessibility through non-structural means. Per the ADA, "A public entity is not required to make structural changes in existing facilities where other methods are effective in achieving compliance with this section" (28 CFR 35.150). Examples of non-structural modifications include program modification, moving programs, or student transportation to more accessible facilities. Non-structural modifications require careful coordination with building administrators and should be reviewed annually by the District's ADA Coordinators.

Resolving Grievances

In addition to this transition plan, Portland Public Schools is required by the ADA to adopt procedures providing for equitable resolution of Title II violations. District processes make allowance for reasonable accommodation regarding physical barriers when it is financially and logistically feasible. The transition plan and self-evaluation certainly inform the process to resolve the claim, but may not pre-determine the resolution. The District will evaluate each request on a case-by-case basis.

In addition, students, staff, and community members are encouraged to notify the District's ADA Coordinators of any barriers not documented in [Appendix D](#). Please see the contact information below.

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Beyond Compliance

The District is committed to creating environments welcoming for everyone. By developing this transition plan, we recognize the subtle and often insidious ways the physical environment can shape one's experience. In the ADA, the term "disability" means, with respect to an individual:

- a physical or mental impairment that substantially limits one or more of the major life activities of such individual;
- a record of such an impairment; or
- being regarded as having such an impairment.

Notably, disability cast in this light includes many invisible disabilities. Mitigation of architectural barriers, while meeting our legislative requirement, offers little support for individuals experiencing post-traumatic stress disorder, peripheral neuropathy, or autism.

Universal design and Trauma-Informed Design are practical guidelines to protect the physical and emotional health of our community. These guidelines are broader than those of accessible design and barrier-free design. While the orientation of this transition plan is to barrier-removal, the District's forthcoming Ed Specification³ will outline specific requirements for the built environment in close coordination with this transition plan.

³ [Facilities & Asset Management / Education Specifications](#)

Self-Assessment

First, in 2013, and later with a comprehensive update in 2019/ 2020, the District completed a physical audit of facilities to identify facility barriers and identify recommendations and alterations to meet State and Federal accessibility standards. A complete list of the facilities evaluated and the assessment findings with associated costs are detailed in the appendices of this document. See [Appendix D](#) for detailed information on each of the 1625 barriers identified.

The facility evaluations were conducted according to the ADA 2010 Standards, 2014 Oregon Structural Specialty Code Chapter 11 Accessibility, and the Architectural Barriers Act (ABA). Evaluators used accessibility checklists to evaluate barriers in District facilities. The list covers all manner of barrier conditions commonly found in District facilities and programs, including parking, signage, paths of travel, buildings, and playgrounds.

The facility evaluation findings were entered into a database, and facility reports outlining identified barriers and after which the assessment team proposed barrier removal actions. The resulting facility documentation is available under the appendices. In addition to a list of each potential barrier District-wide, the assessment data provides information about the relevant State and Federal codes, including a planning-level cost estimate to remove the barrier.

Programs can be made accessible in three ways:

1. Minor programmatic changes, such as providing test material in alternate formats,
2. Moving the program to an accessible site, or
3. Making facility upgrades, “structural modifications”, to the program site

When choosing a method of providing program access, the District will prioritize the one that results in the most integrated setting appropriate to encourage interaction, including individuals with disabilities.

The determination that a facility, or portion thereof, is accessible is based on the standards of the Americans with Disabilities Act Accessibility Guidelines (ADAAG) and the criteria established by this document. It is not required that all facilities or facility areas be accessible to meet the ADA's program compliance requirement. In some cases, this transition plan provides the scoping requirements in place of those provided by the ADA and ADAAG for new construction and remodeling.

The ADAAG sets standards for accessibility of specific elements and establishes "scoping" requirements for new construction and remodeling. "Scoping" determines which site areas need to be accessible for a given type of work. This transition plan establishes the scoping or school facility accessibility criteria. These criteria delineate the standards that will be used in determining the accessibility of an entire

facility or a portion of a facility by referencing specific facility elements. The requirements will be applied for existing facilities where new construction or modernization is not otherwise under consideration. Where the District undertakes new development or modernization not restricted to accessibility work, modifications to upgrade accessibility features may be required that are not proposed in this transition plan. Such work may also be triggered by the authority having jurisdiction. This work is separate from the program access requirement addressed by the self-evaluation and transition plan.

Prioritizing Barrier Removal Across the District

Recognizing that the District has limited funds and cannot immediately make all schools fully accessible, District staff and stakeholders were asked to consider prioritization criteria. Once established and adopted by the Board of Education, these criteria will guide barrier-removal across the District's buildings and grounds following a phased, systems-level approach. Prioritization criteria are actively being developed with the guidance of a team of PPS stakeholders and a community group with support from [FACT Oregon](#) and [Community Vision](#).

Broadly, two types of prioritizations must take place:

1. Prioritization of facilities:

Portland Public Schools buildings evade generalization; each facility must be analyzed individually. District programs and services offered at individual sites will shape the transition plan and the engagement process. This question - *where do we invest first?* - must consider geography, demographics, and programming, to name just three examples. This transition plan explores several lenses through which to view this question in the engagement sections below. This document's appendices contain details on each of the District's facilities, including cost estimates in 2020 dollars.

2. Prioritization of barriers within each facility:

All barriers in this document's appendices are assigned a category aligned with Oregon building codes. These categories follow a sequence of movement from the outside of the building, to the building entrance, to the intended building program area, including plumbing fixtures and communication devices. The categories are listed below. See [Appendix B](#) for additional details.

- A. Site Accessibility
- B. Accessible Route & Reach Range
- C. Plumbing Elements
- D. Communication Elements
- E. Special Spaces, Built-in Elements & Recreational Facilities

Importantly Title II of the ADA offers latitude when prioritizing individual barrier removal. The ADA Title II, Technical Assistance Manual, states, "when choosing a method of providing program access, a public entity must give priority to the one that results in the most integrated setting appropriate to encourage interaction among all users, including individuals with disabilities."

That is to say, when meeting our obligation to Title II, the District has some leeway in prioritizing specific barriers at individual sites. This question, like the question, *where do we invest first* discussed above, is viewed through various lenses below.

Community Engagement

The assignment of priorities is a process that must involve input and recommendations from the local disability community. Public review is critical to this transition plan; the proposed frameworks described in this draft plan are subject to review by local groups representing persons with disabilities.

The COVID-19 pandemic complicated engagement for this effort. After the extended closures under the *Stay Home, Save Lives* directive, feedback on transition priorities were broken into three steps:

1. Frameworks development under a funding task force composed of Portland Public Schools staff
2. An eight-week public review and comment period of a draft transition plan posted to the District website
3. Three virtual town halls developed in collaboration with [FACT Oregon](#) and [Community Vision](#).

As of this draft, only step one is complete. This document will not be considered final until steps two and three are completed.

Members of the funding task force internal to the District were identified based on three criteria:

1. Project experience with work related to barrier-removal within the District, and/or
2. Anticipated stewardship of barrier-removal projects once the transition plan is complete, and/or
3. Leadership in education for students experiencing disability.

In addition to their roles as accessibility stewards, this group offered expertise on the legislative, operational, and financial feasibility of barrier-removal.

Members include:

Dept	Stakeholder
SPED	Brian Baker
OSM	Heidi Bertman
SPED	Chris Burns
SPED	Tricia Curley
SPED	Maria Gianotti
SLT	Dani Ledezma
OSM	Steve Simonson
SPED	Noelle Sisk
SPED	Claire Skelly
OSM	Jen Sohm

The task force met individually with the project liaison in May 2020. Each stakeholder was tasked with developing four transition scenarios. Then, with this groundwork in place, a set of transition scenarios is detailed in a draft transition plan for community review and feedback. This draft transition plan will be posted to the site below by early July and accompanied by a feedback form.

This task force recommended a set of frameworks for barrier removal throughout the District. We will continue to shape priorities by balancing our community's needs with a fiscally responsible work plan for complete District-wide barrier removal.

To further garner community feedback, [FACT Oregon](#) and [Community Vision](#) - two organizations with a close relationship to the disability community - will collaborate with PPS to facilitate outreach for a series of virtual town halls structured around District accessibility priorities.

This structure's goal is to first situate transition scenarios firmly within the projects' constraints and then view the transition scenarios through a community lens.

Response Summary - Task Force

Multiple stakeholders indicated main-level accessibility as their highest priority, specifically main-level accessibility in multi-level schools without elevators. Several respondents further detailed the minimum requirements of this approach: access to the cafeteria, gymnasium, library, classrooms, and restrooms are critical for this approach to be meaningful.

Accessible main entries were stressed in two responses - this is highlighted here because ADA legislative requirements are silent on the choice of accessible entrance. Often accessible entrances are co-located with service and delivery entries because these areas are level and, therefore, more economical to modify for accessibility. Consider, on the other hand, the inherent value in the ceremony of collective morning arrival, for all students, regardless of ability.

Many responses reinforced a systems-approach to program accessibility. Examples include equitable program access for students across the District, including core curriculum as well as specialized student groups or clubs and educational areas such as STEAM, Maker Spaces, and Career Technical Education. Geographical considerations come into play with this approach, as well.

Participants ranked multi-level access, accessible parking and playgrounds, and SPED classroom improvements as priorities but secondary to universal design considerations around the building entrance and essential functions. Notably, elevators did not appear until the third priority.

Throughout the responses, access to both focus-option and neighborhood programs were elevated in equal measure.

Five salient approaches to accessibility emerged across stakeholders. Each is detailed below.

Main-level Accessibility District-wide

Main-level accessibility would include portions of the site necessary to reach the main entrance from the bus or drop-off area, the main entrance, and access to essential programming. Here, 'essential programming' includes an individual's classroom(s), the cafeteria, library, and gym, in addition to one or more accessible restrooms.

This approach may require administrators to schedule programming around individuals with disabilities in multi-level buildings without elevators. In addition to instructional programming, sensitivity to the placement of school-clubs and other extracurricular activities must be observed.

The advantage of this framework would be its economy and relative speed to implement District-wide. By omitting elevators - far and away, the most costly accessibility improvement - the District's accessibility budget could reach many more schools.

To be sure, the operational challenges this approach may present to building administrators should not be underestimated. Consider a middle school student in a multi-level K-8 building without an elevator. While classrooms at the elementary level are, for the most part, interchangeable, this becomes increasingly less true in later grades. A science classroom has little in common with an english classroom in the eighth grade.

One Accessible School at Each Configuration, per Cluster

Portland Public Schools consists of, among other programs, eight 'clusters' or pathways from kindergarten to graduation based on a student's home address or election to a focus option program. Aging through a cluster follows a specific sequence of schools. The approach discussed here would ensure that a student with a disability could remain, if not within their neighborhood school, at least within their cluster.

As a goal of the 2017 Bond, this commitment went unmet despite the allocation of \$8.2 million in accessibility improvements. Of the eight clusters, none currently have a fully accessible thread from kindergarten to graduation.

In as much as is practical or meaningful, this approach addresses full accessibility. It would not, however, account for optimal geographic distribution. As currently imagined, schools designated for improvements are the most affordable options, typically because they do not require elevators.

Title I First

Schools with large concentrations of low-income students receive supplemental federal funds to assist in meeting student's educational goals. This program is known as Title I. During the 20/21 school year, 22 schools qualified for Title I support. The location of these schools corresponds to a high degree to Portland's historically under-served and historically Black neighborhoods.

While not directly associated with disability, Title I indicators correlate with disproportionately higher percentages of disability in the United States. According to the Centers for Disease Control and Prevention, one in four Black Americans has a disability, compared with one in five for White Americans.⁴ Indeed, Black Americans are more likely than Non-Hispanic Whites to have a disability in every age group.

Likewise, poverty is a risk factor for disability. Children living in poverty are more likely to have asthma, chronic illness, and environmental trauma such as lead poisoning, learning problems, and low birth weight leading to disabilities.⁵ Moreover, those experiencing poverty are less able to treat disabling conditions and mitigate their impact. While the reasons for this are complex, limited access to high-quality medical care and early intervention certainly exacerbate many conditions.⁶

Our schools are critical institutions in Portland neighborhoods. Creating environments that elevate the health, dignity, and independence for all students - but with particular consideration for those from communities in the long shadow of systemic racism - reinforces Portland Public School's role as vital neighborhood centers.

Special Education & Focus Option

In addition to neighborhood schools, the District supports several focus option programs ranging in emphasis from environmental science to the arts. The curriculum for each of these programs is unique, and so unlike neighborhood program curriculum - replicated throughout the District - admission to a focus option program is an unparalleled opportunity.

For this reason, focus options programs present a challenge to a number of accessibility approaches described above. No transportation solution exists for a student experiencing a disability and hoping to attend a focus option program in an inaccessible building. Therefore, prioritizing accessibility for sites with focus option programs should be distinctly considered in this transition plan.

Similar in uniqueness, the District supports two dedicated special education programs: the Pioneer Special School Program and Community Transition Program at Green Thumb. While the Pioneer Program supports students with social/emotional needs, and fragile mental health, rather than medically fragile individuals, these students have unique sensitivities; their environment plays a critical role in reducing incidents of emotional dysregulation. And of course, the converse is also true.

Green Thumb - the District's only dedicated Community Transition Program site - supports young adults in their transition to life by helping them achieve the highest degree of independence and quality of life. Many of the physical barriers at Green Thumb work against these goals, however. While only three classrooms, the Green Thumb buildings lack necessary accessibility aids such as door actuators. An

⁴ Centers for Disease Control and Prevention.

<https://www.cdc.gov/ncbddd/disabilityandhealth/materials/infographic-disabilities-ethnicity-race.html>

⁵ Woolf, SH, Aron, L., Laudan, Dubay, L. Simon, S.S., Zimmerman, E. Luk, K.X. (2015) How Are Income and Wealth Linked to Health and Longevity?

<http://www.urban.org/sites/default/files/alfresco/publication-pdfs/2000178-How-are-Income-and-Wealth-Linked-to-Health-and-Longevity.pdf>

⁶ Pokempner, Jennifer and Roberts, Dorothy E. (2001), "Poverty, Welfare Reform, and the Meaning of Disability"

individual relying on a power-assisted chair may need assistance to open doors to their classroom or restroom in the context of a program nominally intended to support independence.

Elevators at Buildings with Multi-level Programming

This approach would be tantamount to full accessibility at buildings with multi-level programming. Where second and third floors are accessible, accessible restrooms must be provided, to say nothing of an accessible route from and including the main entrance to the elevator access.

The logistical and financial challenges of this approach cannot be overstated. Recent elevator installations have ranged from \$800,000 to \$1.5 million. At a minimum, construction is invasive and can only occur during the summer recess in most cases. Indeed, elevators are significant building modifications: adding an elevator to the interior of an existing building is essentially inserting a structural core into an existing structure.

On this score, the structural benefit of adding an elevator is worth further discussion. When concrete, as opposed to metal studs, is used to construct elevator shaft walls, they can reinforce buildings against lateral movement, significantly improving seismic performance. While this is not alone a seismic solution, it can be a significant step toward seismic safety.

Public Review of Draft Plan - *section in progress pending community engagement*

A public review draft of the transition plan was posted to the District's website on July 13, 2020, with a comment form intended to capture community input; this input is paramount to the District. This document will be considered incomplete until the comment period is closed and all comments are addressed.

Further, public review of the transition plan is required. See 28 CFR 35.150(d)(1) the Federal Statute states under the heading Transition Plan:

“In the event that structural changes to facilities will be undertaken to achieve program accessibility, a public entity that employs 50 or more persons shall develop, within six months of January 26, 1992, a transition plan setting forth the steps necessary to complete such changes. A public entity shall provide an opportunity to interested persons, including individuals with disabilities or organizations representing individuals with disabilities, to participate in the development of the transition plan by submitting comments. A copy of the transition plan shall be made available for public inspection.”

Virtual Town Hall - *section in progress pending community engagement*

IMPLEMENTATION OVERVIEW

Plan Timeline and Phases

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

FY 2021 - 2025 **Phase I**

FY 2025 - 2029 **Phase II**

FY 2029 - 2033 **Phase III**

FY 2033 - 2037 **Phase IV**

FY 2037 - 2041 **Phase V**

Phase I

One accessible school at each configuration, per cluster

Phase II

Main-level Accessibility: Title I, CSI/TSI⁷, and Focus Option

Phase III

Main-level Accessibility: District-wide

Phase IV

Elevators at buildings with multi-level programming: Title I, CSI/TSI, and Focus Option

Phase V

Elevators at buildings with multi-level programming: District-wide

Barrier Removal Schedule

[Appendix D](#) is the framework for the continuous improvement of District facilities and the ongoing record of barrier removal for the District's facilities. It details the physical barriers documented through the Self-Assessment described above. The *Modifier* associated with each barrier identified corresponds with the phased implementation schedule outlined above.

⁷ Comprehensive Supports and Interventions/Targeted Supports and Interventions. CSI schools are high schools with an overall 4-year graduation rate less than 67 percent, among other indicators. TSI schools are identified by achievement indicators by student group.

The District's ADA Coordinator will update [Appendix D](#) as the District either removes barriers or finds programmatic solutions to eliminate or mitigate barriers. Contact the ADA Coordinator for the most current status of barrier remediation (accessibility@pps.net).

Implementation

Successful implementation of this transition plan requires many people across several departments within Portland Public Schools. The District's ADA Coordinators will develop a work plan coordinated with the funding amount allocated in the forthcoming 2020 Bond. The amount designated in this Bond is committed to the phase I framework, i.e., one accessible school at each configuration, per cluster. If this transition plan had been completed prior to the 2020 Bond design, this might not have been the case. The phase I framework is nonetheless a logical and meaningful path forward toward the District's accessibility goals.

Further alignment with the District's future capital plan will follow phase I implementation. The District's ADA Coordinators will maintain the phased structure above, but seek meaningful overlap with other capital improvements. Modernization is one example of such an overlap. When a school is fully modernized, all barriers are mitigated and universal design is practiced where ever possible.