



# The W-T Group, LLC

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## PIERCE COUNTY PARKS AND RECREATION

### ACCESSIBILITY AUDIT

### PROGRAM AND POLICY REPORT

November 1, 2017

#### Introduction

The Pierce County Parks and Recreation Department is an entity within Pierce County, Washington. The Department retained The W-T Group, LLC doing business as Recreation Accessibility Consultants (RAC) to conduct an access audit, pursuant to title II of the Americans with Disabilities Act (ADA).

The title II regulation at section 35.105 requires the access audit. RAC evaluated every existing Department site and facility, policies regarding interaction with the public, and the ways in which Department staffs provide modifications in programs for people with disabilities.

This report reviews our methodology, the title II policy and program requirements, and provides recommendations to the Department. We have already provided our reports and recommendations regarding sites and facilities to the Department.

#### Methodology

Our policy and program team includes John McGovern and Shelley Zuniga. McGovern is the RAC President and has a law degree, to complement his more than 30 years working in parks and recreation. Zuniga is the RAC Vice President, and her more than 25 years in parks and recreation is complemented by her status as a Certified ADA Coordinator and a Certified Therapeutic Recreation Specialist.

In August, we interviewed staffs at the Department office. Those we interviewed or met with included:

- Chad Harvel
- Elizabeth Scheid
- Scott Hall
- Tony Buebenas
- Jennifer Spane
- Becca Boyle

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- Jared Bucci
- Janice Forbes

The purpose of the interviews was to gain an understanding of the scope of work of the staffs, learn how they receive and evaluate requests for modifications due to disability, and learn what experience they have in making reasonable modifications.

We also gathered some Department policies from the Fall brochure. We then contrasted that and our interviews, with the title II requirements, as well as the eight-step inclusion process used by parks and recreation agencies across the country for three decades. These led us to the recommendations we make towards the end of this report.

We also understand that enforcement actions color the way in which the Department develops policies and provides programs. We have incorporated court and administrative decision guidance, as well as US Department of Justice (US DOJ) technical assistance recommendations, in our work.

As a matter of course, we also recommend smart practices to the Department. Smart practices are techniques or processes that make Department sites, facilities, policies, and programs more readily useable by people with disabilities. Smart practices exceed the minimum requirements. In our experience, counties that embrace the ADA and exceed the minimum requirements are more likely to meet not just the letter, but intent of the ADA. Our intention is to do all we can to assure that the Department adopts this approach.

### **Title II ADA Requirements**

The portion of the ADA that applies to the Department is title II. The US DOJ regulation implementing the statutory requirements is found at 28 CFR Part 35, or [here](#). While the regulation certainly has some gray areas, much of it is in black-and-white language. We highlight below some of the key provisions of title II for the Department.

It is important to remember that the ADA is a civil rights law. As such, it is to be interpreted broadly. We have added some observations to assist with context in this regard.

#### ***Regarding Existing Sites and Facilities***

The title II regulation begins with a discussion regarding existing sites and facilities. **Section 35.105** requires a “self-evaluation” of policies, programs, and the buildings and sites within which those programs are held. We call that an access audit, and those results were provided earlier to the Department.

The access audit compares sites and facilities to the 2010 Standards for Accessible Design and any Washington requirements that are more stringent. We also incorporate smart practices for design and construction.

Following the access audit, per section **35.150(d)**, the Department must create a transition plan. A transition plan is a phased retrofit schedule for every access deficit, noting the date for barrier removal and the employee responsible for barrier removal. It is always advisable to integrate the transition plan with other County departments. This increases cost-efficiency, thereby optimizing County resources.

Unusual in a civil rights law is a reference to maintenance, but that is what is required of the Department in section **35.133**. The Department is required to maintain accessible features, and we addressed that in our facilities reports. This may include playground surfaces, door pressure, pool lifts, accessible exterior surfaces, accessible restrooms, accessible parking, elevators, and many other elements of the built environment.

#### ***Regarding New Sites and Facilities, Alterations, and Additions***

The title II regulation addresses new sites, alterations, and additions in section **35.151**. The County and the Department are required to adhere to the 2010 Standards for Accessible Design in all design and construction occurring after March 15, 2012. In addition, any State of Washington, or Pierce County requirements that are more stringent, must be followed for that aspect of an element.

For example, accessible restrooms must have a vertical grab bar per State requirements, which is more stringent than federal requirements. The difference between federal requirements, and state or local requirements, is subtle. The County must incorporate these into the design and construction of the asset.

#### ***Regarding General Administration***

The title II section **35.106** Notice requirement comes into play. This requires the Department (and the County) to make people with disabilities aware of how the requirements of the ADA are applied to Department programs and services. We also refer to this as the invitation requirement, as it is an opportunity for the Department to invite people with disabilities to use its facilities and sites, as well as programs and opportunities.

The title II section **35.107(a)** requirement addresses the naming of “a responsible employee”. Typically known as the ADA Coordinator, this employee coordinates County efforts to comply with title II. We often see a countywide ADA Coordinator, who works with ADA Coordinators within each Department, e.g., Parks and Recreation, law enforcement, planning, administration, and so forth.

The title II section **35.107(b)** requirement compels the Department and the County to have a process by which people with disabilities can raise complaints about access and inclusion. The process should provide "...for prompt and equitable resolution of complaints".

We do **caution** here that Department activity regarding 35.106 and 35.107 should be consistent with overall County initiatives. We have not seen the way in which the County approaches these subjects. Integration of efforts by the Department and other County departments is important and benefits the County as well as your residents with and without disabilities.

### ***Regarding Department Programs and Policies***

The following is a discussion of the interface between title II requirements and Department policies and programs. We gathered this information in our staff interviews, policy reviews, a review of your website content, and a review of the documents you sent to me. Errors in names or titles are all mine, and I look forward to your edits.

We start with a discussion about the difference between therapeutic recreation programs and the ADA mandate that programs be provided in the most integrated setting, or as we refer to it, the inclusion mandate.

*Is inclusion the same as therapeutic recreation?*

To put it simply, no it is not.

The Department is required to make its programs and services accessible to and usable by people with disabilities. The ADA requires the Department to provide services in the most integrated setting. These concepts are discussed earlier in the report. The test is that these services shall be effective, in other words, if a registrant takes golf lessons, she should learn basic golf strokes and rules.

That is not necessarily Therapeutic Recreation programs, which is one of the wide range of recreation and leisure options that counties and other jurisdictions can choose to provide. The Department has a strong Therapeutic Recreation program, copied by many other entities, and serving people from many other communities. The Department staff advise and mentor other jurisdictions on services for people with disabilities.

Look at it this way...the Department chooses to conduct camps, senior programs, outdoor recreation, ice sports and activities, aquatics, center activities, sports...and it chooses to conduct therapeutic recreation programs. There is not a "floor" here, these are choices made to provide a service to the community. Providing this service is the right thing to do.

On the other hand, the comprehensive ADA mandates that the Department make services available in the most integrated setting. That includes Department programs like senior programs, camps, center activities, outdoor recreation, aquatics, sports, and more. This **inclusion mandate became effective January 26, 1992**. This black-and-white requirement does have some room for the Department to make some interpretations on, for example, just what is a reasonable modification. Find this mandate at section **35.130(d)**.

There are similarities between therapeutic recreation and providing inclusion supports. Both require an assessment of the person with a disability. Both require a plan for supports, some plans being more formal than others. Both require training of staffs who will implement the planned supports. However, the very well managed Camp Pierce and the Special Needs program do not satisfy the requirements of the ADA regarding inclusion supports. This is discussed in more detail in this report.

Title II regarding policies and programs in a nutshell:

1. **35.130(a)** prohibits the Department from, because of disability, excluding someone from a program or denying the benefits of a Department program to that person. This is a broad general anti-discrimination requirement.
2. **35.130(b)(1)** prohibits the Department from discrimination on the basis of disability through contractors or licensees. This applies to any contractual instructors, leaders, or concessionaires used by the Department. These entities must be as welcoming to people with disabilities as is the Department.
3. **35.130(b)(1)(iv)** prohibits the Department from “providing different or separate aids or benefits...unless...necessary to provide programs...” for persons with disabilities. This mandate permits the Department to provide “special needs programs” or therapeutic recreation programs, so long as those are not the only opportunity provided for persons with disabilities. Persons with disabilities must be permitted to also seek inclusive participation.
4. **35.130(b)(1)(v)** prohibits the Department from aiding or perpetuating discrimination by providing “significant assistance” to an agency that does discriminate on the basis of disability. This typically applies to parks and recreation agency affiliates, such as sports leagues, that use agency ice, fields, facilities, or courts at reduced rates, benefitting from taxpayer-funded infrastructure and maintenance. Such an entity cannot be allowed to discriminate on the basis of disability, and the Department is expressly prohibited from supporting that agency.
5. **35.130(b)(1)(vi)** prohibits the Department from denying a person with a disability the opportunity to be considered for a Department advisory board or committee. It does

not establish a quota, but does require the Department to invite and consider otherwise qualified persons with disabilities for such a role.

6. **35.130(b)(2)** is the converse of 35.130(b)(1)(iv) and prohibits the Department from denying a person with a disability the opportunity to participate in programs that are not separate or special.
7. **35.130(b)(3)** prohibits the Department from discriminating on the basis of disability through administrative processes. This broad requirement boils down to process issues, and in parks and recreation, typically includes program registration processes.
8. **35.130(b)(4)** prohibits the Department from making a site selection for new facility or park development at a location that cannot be made accessible. There is a very limited exception here, and that is in regards to a site where compliance with the 2010 Standards is “structurally impracticable”.
9. **35.130(b)(5)** prohibits the Department from selecting “procurement contractors” when those contractors will act in a discriminatory manner. An example here is the course management agreement for Chambers Bay. We met with course management and the staffs at Chambers Bay are well aware of the ADA requirements. It did not appear, however, as if a golfer with a disability could play the course without a caddy, an extra cost. Players without disabilities are not required to have a caddy.

***We recommend the Department require the management firm to waive fees for caddies.*** The management firm must make reasonable modifications, have accessible or adaptive golf cars, and implement the ADA requirements as if it were the title II entity. We understand the caddies are contractors, but believe this is consistent with title II requirements.

This section of title II also applies to Bricks 4 Kidz and other program contractors. The contractual agreement must have language that clearly allocates accessibility and inclusion responsibilities, including the making of reasonable modifications by Bricks 4 Kidz in programs.

10. **35.130(b)(6)** prohibits the Department from administering a certification or licensing program in a way that discriminates on the basis of disability. Examples here might be a lifeguard recertification class, or a youth sports coaching certification. Both programs must be implemented in a way that permits participation by otherwise qualified persons with disabilities.
11. **35.130(b)(7)** requires the Department, in broad language, to make “reasonable modifications in policies, practices, or procedures” when doing so is necessary to avoid

discrimination on the basis of disability. This section does allow the Department not to do so when doing so would “fundamentally alter the nature of the service, program, or activity”, a very high bar to meet for the Department. This latter language also clearly places the burden on the Department to prove fundamental alteration, as opposed to a burden on the person with a disability.

12. **35.130(b)(8)** prohibits the Department from imposing “eligibility criteria that screen or tend to screen out” otherwise qualified persons with disabilities. This often applies to any type of advance notice requirement, such as a requirement that registrants who need a reasonable modification must register two weeks before the program begins. The rationale against an advance notice requirement is that the Department accepts late registrations from people without disabilities, and therefore, it must do so for people with disabilities. We offer recommendations for the implementation of this requirement later in the report.
13. **35.130(c)** allows the Department to provide benefits or services in excess of the requirements of title II. In other words, please do more. Title II sets the floor, not the ceiling, for Department services for people with disabilities.
14. **35.130(d)** establishes the requirement that the Department will provide “...services, programs, and activities in the most integrated setting”. This is defined as the setting in which people with and without disabilities interact together to the maximum extent feasible. We discuss this mandate further in our recommendations.
15. **35.130(e)(1)** notes that a person with a disability is not required to accept a modification offered by the Department. This effectively makes the person with a disability the leader of the team that plans any supports. The consequence of a decision to not accept modifications however is that the person must now meet all standard rules for behavior and participation.
16. **35.130(e)(2)** notes that a guardian of a person with a disability has no right, under any circumstance, to “decline food, water, medical treatment, or medical services...” for a person with a disability. While this situation does not arise often, for entities with overnight camps, or camps of extended duration, it is an important policy consideration.
17. **35.130(f)** prohibits the Department from adding a surcharge to fees a person with a disability must pay for participation. In other words, a person with a disability in camp, swim lessons, or ice skating lessons must be charged the same amount as a person without a disability in that same program.

18. **35.130(g)** prohibits the Department from denying participation by a person who is a known associate (family member or friend) of a person with a disability. This “association clause” is found in other civil rights laws.
19. **35.130(h)** permits the Department to “impose legitimate safety requirements” in programs, and apply these, with a reasonable modification, to persons with disabilities. This clause does require, in strong language, that such safety requirements be “...based on actual risks, not on mere speculation, stereotypes, or generalizations about people with disabilities.” In other words, safety requirements must be based on actual incident reports or past behavior, not a staff belief that something could happen.
20. **35.134** prohibits the Department from retaliating against a person who has supported the proper implementation of title II requirements. This section also prohibits the coercion or intimidation of any person supporting the proper implementation of title II.
21. **35.135** notes that the Department is not required to provide personal devices, such as wheelchairs, or prescription devices, such as eyewear. It is safe to say this requirement is a gray area. As a smart practice, many entities such as large retail stores do provide wheelchairs for customers. This section further states the Department is not required to provide services of a personal nature, such as “eating, toileting, or dressing”. We will address this in our recommendations.
22. **35.136** requires the Department to permit persons with disabilities to use a service animal, so long as it is housebroken and under control. The service animal must be trained to perform a task that relates to the handler’s disability. We have attached our model service animal policy for consideration by the Department.
23. **35.137** requires the Department to permit the use of mobility devices that were not necessarily designed with the transportation of people with disabilities as a primary purpose. These devices, called other power driven mobility devices (OPDMD), can include but are not limited to a Segway, golf car, riding mower with the blades up, or other devices. We will address this in our recommendations.
24. **35.138** requires the Department to manage ticketing processes for venues in a way that assures persons with disabilities still have access to seats and a companion seat. The surge in ticket reseller programs has caused a loss in accessible seating in some instances. This provision places the burden of protecting accessible seats squarely on the venue.
25. **35.139** clarifies the approach required by Department with regard to the 35.130(h) safety requirements clause. The Department, here in 35.139, is allowed to deny participation to a person with a disability when he or she “...poses a direct threat to the



health or safety of others". This clause also requires the Department to conduct an individualized assessment in the process of making a direct threat determination. The assessment must rely on current medical information and objective evidence.

We make two observations here.

The first is that ***a direct threat to the person with a disability is not referenced in this requirement***. We believe, however, that the Department has an obligation under state statutes to keep all individuals in its programs safe. Staff should prevent a person with a disability who poses an objective direct threat to himself or herself from harming himself or herself.

The second is defining some of the terms. An objective belief that harm will occur, in the mind of employee A, may not exist in the mind of employee B. Simple definitions help here, and we address this in our recommendations.

### ***Regarding Communications***

The title II regulation does impose some requirements regarding Department communications. In general, **35.160(a)(1)** requires that Department communications for people with disabilities are as effective as for people without disabilities. This broad language applies to bulletin boards, websites, television broadcasts, oral presentations, and more.

As a note, the current Presidential Administration has suspended many regulations that were in development, including a final website access standard. As a result, this requirement exists, but there is not a final and enforceable standard. We do recommend the Department adhere to the Website Content Accessibility Guideline (WCAG) version 2.0 aa.

Section **35.160(b)** requires the Department to provide "appropriate auxiliary aids and services where necessary to afford qualified individuals with disabilities...an equal opportunity to participate..." in Department programs and activities. The term auxiliary aids and services includes, but is not limited to, sign language interpreters, sound files of written text, readers, large font documents, assistive listening systems, Braille documents, and other effective means of modified communication. We will address this in our recommendations.

Section **35.160(c)** prohibits the Department from requiring a beneficiary to bring his or her own sign language interpreter to a Department activity or event. Conversely, the 35.130(b)(7) requirement to make reasonable modifications to rules would permit the Department to allow a registrant to bring his or her own interpreter, if and only if the person volunteers to do so, and is not required to do so by the Department.

Section **35.160(d)** permits the Department to use video remote interpreting (VRI) as a way to furnish sign language interpreter services. This technology provides real-time, full motion video and audio and can be an effective alternative to an in-person sign language interpreter.

Section **35.161** requires the Department to have text telephones (TTYs) to complement telecommunication systems. This requirement also applies to automated-attendant systems, which now must allow intervention by a live employee for interactive and effective TTY real time communication.

Section **35.162** requires the Department to make emergency calls, such as 911 calls, available with direct access to TTYs or TDD and computer modems. This has been a requirement for public safety staffs since 1992, and we urge the Department to investigate how Pierce County has met this requirement.

Section **35.163** requires the Department to place signs at all inaccessible entrances to buildings, informing the public of the location of accessible entrances, or in the alternative, accessible facilities. This section also requires the Department to make information about the location of accessible facilities, parks, and programs available to persons with limited vision or hearing.

### **Implementing the Inclusion Mandate with the Eight-Step Inclusion Process**

We begin our recommendations with a review of the eight-step inclusion process. County providers of recreation services, along with cities and park districts, have implemented this system since the mid-1990's. These eight steps incorporate title II requirements, smart practices, as well as court and administrative decisions.

Some of the recommendations are clear and simple to implement. Others are not. Where the Department has alternatives it can consider, we have identified those and made a recommendation.

**1. Invite people with disabilities to participate in Department programs, and use Department sites and facilities. (Consistent with 35.106)**

Work with Department communications staffs so the language used is consistent. We recommend something like the statement below:

“Pierce County Parks and Recreation invites people with disabilities to enjoy our programs, parks, and facilities. For more information about our accessibility, inclusion, and special programs initiatives, contact Jane Smith at [jsmith@piercecounity.org](mailto:jsmith@piercecounity.org).”

**2. Tweak registration systems and processes to appropriately ask if registrants require a reasonable modification to enjoy the program, (Consistent with 35.130(b)(7))**

We recommend the use of language like that below, in print and online registration materials. Again, work with County communications staff so this is consistent with language used in any other departments. When this language is included in all registrations, it is not discriminatory.

As to process, when the registrant 1) registers for a program before it is full, 2) pays the fee required for the program, and 3) marks yes to the statement below, the system must enroll the person in the program and then forward the registration to an appropriate employee for further processing.

“I need a modification because of disability to participate in this program. YES NO”

If a paper registration, this is a simple addition. This statement would be easy to add to the registration form on page 46 of the fall brochure. If online, we urge that the Department require the vendor to make this a mandatory answer, prohibiting the registrant from proceeding without an answer.

***Do not hold the registration.*** If a fee is required and it is paid, and if there is room in the class, enroll the registrant pending the assessment, which is the next step in the process.

**3. Once a registrant has requested a modification, through the registration process, conduct an assessment. (Consistent with 35.139 and Anderson v. Little League)**

The assessment should occur promptly after the registration. The assessment should contrast the abilities of the registrant to the activities in the program for which he or she registered. The assessor should keep in mind the various modifications that can be made, throughout the assessment process.

The word “no” should never be voiced without an assessment. The Department must make all registration staffs, managers, center staffs, seasonal staffs, program staffs, and all other staffs aware of this point.

In our interviews with staffs, we never heard that staff do say “no” without an assessment. That said, we did not speak with every employee. This point is important and deserves to be reinforced by the Department.

In our experience, the best employee to conduct assessments is one who:

- Knows the Department and its programs
- Knows a wide range of health and disability conditions
- Knows a wide range of recreation activities
- Is experienced at adapting activities
- Is a good communicator with staffs as well as registrants and their families

We believe strongly that the assessor (we suggest Inclusion Coordinator) should not be the same staffs that plan and conduct special programs. While there is crossover in the necessary skills, the Inclusion Coordinator must be able to drop program roles and manage what can be difficult inclusion placements.

As to credentials, we suggest that the Inclusion Coordinator should be either a Certified ADA Coordinator or a Certified Therapeutic Recreation Specialist. There are other credentials, such as adaptive PE teacher, art therapist, and so forth. But again, in our experience, the two named above are more effective.

**4. Once the Inclusion Coordinator has conducted the assessment, create a plan for the implementation of the reasonable modification. (Consistent with 35.139 and US DOJ guidance)**

Creating the plan can be a simple process or a complex process. It all depends on the registrant and the complexity of the disability or health condition. Some plans are in writing (more complex) and others are not, for example, providing staff with extra training.

The Department can streamline this process by developing a list of modifications it will always do, such as changes to rules and policies, and a list of modifications it will never do, such as providing medical supports in a program. This list evolves with every court decision and settlement agreement.

*We do caution* the Department to err on the side of providing more, not less. If at Camp Pierce, quasi-medical or medical supports are provided, it would be difficult to argue that the Department can do so there, but not in other programs.

**5. Once the Inclusion Coordinator has a plan, train the staff that are necessary for effective support of the registrant. (Consistent with US DOJ guidance)**

Staff training regarding the plan is essential. It may be a simple training event, where the Inclusion Coordinator reminds the staff conducting the program to be more attentive to a registrant, or to assist with transitions from activity to activity. It may also be a complex event, such as reviewing a behavior management plan with a one-on-one staff assigned to the registrant. The Inclusion Coordinator should document training events and content for risk management purposes. Do remember to protect the privacy of the registrant.

**6. During the assessment, planning, and training phases, maintain contact with the registrant or the family of the registrant. (Consistent with smart practices)**

Communication is effective to trust, and therefore, to the inclusion process. The Inclusion Coordinator should keep the registrant or the family of the registrant apprised of achievement

of steps in the process. Notify them when the assessment is complete, or a plan is developing, or when a plan is being introduced to the employees who will implement the plan. We recommend that the Inclusion Coordinator maintain a communication log. This is an effective risk management tool.

**7. Implement the plan. (Consistent with 35.130)**

Those who know the plan, implement the plan. This is the step where all of the preparation, the assessment, training, and the professionalism of the Inclusion Coordinator is tested.

It is also a test of the program staffs. If part-time staffs are involved, how will they perform? Are other career program staff aware of the plan and supportive?

**8. Evaluate the way in which the plan is implemented. (Consistent with smart practices)**

This is the final step in the eight-step inclusion process. The Department should develop both formative and summative evaluation tools.

**Other Recommendations for the Department**

The recommendations regarding the eight-step inclusion process are critical. We continue now with more generalized recommendations, some of which touch on the inclusion process points above.

**9. Hire an Inclusion Coordinator.**

As noted earlier, we do not believe in any system that the staff assigned to plan and conduct special programs can also manage inclusion. We recommend this be a stand-alone position, responsible for documentation, assessments, staff training, plan implementation evaluation, research, outreach, and other tasks necessary to make inclusion a success. In the interviews, Department staff noted that people from nearby communities are referred by other agencies to Pierce County. This may indicate an opportunity to seek cost-sharing of inclusion support staffs.

**10. Identify an ADA Coordinator. (Consistent with 35.107(a))**

As discussed in the title II review, we believe it is most effective to have a Department employee as the ADA Coordinator for Department sites and programs. We urge the Department to ensure that this employee works closely with the Countywide ADA Coordinator. This assures consistency in policy and approach.

The County website does not name an ADA Coordinator. It does note that there is a grievance process, as required, and it does note that materials can be addressed to the "ADA

Coordinator”. But who is that? How can a person call or email and have a discussion? This can be resolved by naming one countywide ADA Coordinator, who oversees a committee of department-level ADA coordinators.

**11. Determine what modifications will be made, and which ones won’t be made.**

Some modifications are in the black-and-white of the statute and the US DOJ regulation. Others are not quite so clear. Modifications are to be provided when so indicated by the assessment. We recommend separating modifications into three categories: mandated supports, personal supports, and quasi-medical or medical supports. These are evolving and it is important that the Department stay current.

**11.A Mandated Supports**

The Department should provide these modifications. This includes, but is not limited to:

- changes to rules and policies
- providing extra staff support (including one-on-one)
- providing volunteer support
- providing additional training to staff
- acquiring and providing adaptive equipment
- monitoring blood sugar
- removing architectural barriers
- providing accessible transportation
- developing behavior plans
- providing sign language interpreters and other auxiliary aids or services
- adapting policies regarding food and scents in facilities
- providing home visits
- reassigning programs to an accessible location
- requiring contractors to make modifications
- applying emergency allergy epi-pens

**11.B Personal Supports**

The supports here fall into a gray area. We recommend these be provided as a smart practice. We also note that it is likely these are already being provided in special programs or senior programs. These include:

- assisting a registrant in changing clothes if he or she cannot do so because of disability
- assisting a registrant with toileting if he or she cannot do so because of disability
- assisting a registrant with eating if he or she cannot do so because of disability

- holding and presenting medications for a registrant, pursuant to authority granted by the Washington Nursing Code

11.C *Quasi-Medical or Medical Supports*

Today, these are not required. That said, with the increasing complexity of disability and related health conditions, many persons need assistance with the tasks below. Without help here, these persons cannot participate.

- Retain a nurse, or provide staff training consistent with the Washington Nursing Code, and when necessary, inject insulin for a person with diabetes who cannot do so himself
- Retain a nurse, or provide staff training consistent with Washington Nursing Code, and when necessary, rectally apply anti-seizure medication when the registrant is unable to do so himself
- Take other actions, with a nurse or trained employee, that may be viewed as invasive, but is necessary for lifesaving purposes

**12. Make Department staffs and Department registrants aware of the current Countywide ADA dispute process. (Consistent with 35.107(b))**

The County already has a 35.107(b) access and inclusion dispute process. Make it available to Department staffs, train staffs on how to use it, and make it available to Department registrants and stakeholders.

**13. Adopt a policy that compels designers and contractors to strictly adhere to the 2010 Standards and any more stringent Washington requirements. (Consistent with 35.151)**

The Department should take an official stand and brand the 2010 Standards as its design standard. In RFQs, require submitters to demonstrate an understanding of the Standards.

**14. Adopt a policy that compels designers and contractors to strictly adhere to the 2013 Outdoor Developed Areas Final Guideline. (Consistent with 35.151)**

This final guideline applies today only to federally owned and operated sites such as trails, beaches, campsites, picnic areas, and viewing areas. However, it has been in development since 1994 (more than 20 years). The US DOJ will issue it as a title II requirement eventually. It makes sense to use it today to guide work in these outdoor assets.

**15. Develop ADA awareness training for career employees as well as part-time or seasonal employees.**

Training content should be shaped by staffs, but could include communication tips, asset requirements (such as what is an accessible parking stall required to have), and program modification strategies.

**16. Require contractual program providers to make reasonable modifications. (Consistent with 35.130(b)(1))**

Contractors who manage programs and services on Department property must agree to provide reasonable modifications. This can be added to contractual agreements.

**17. Require affiliates who benefit from the reduced cost availability of Department facilities and fields to agree to provide reasonable modifications. (Consistent with 35.130(b)(1)(v))**

Use agreements with outside groups such as Little League, youth football, and youth soccer must include language that compels them to make reasonable modifications, unless their use of Department assets is at full market rate, and without other supports such as advertising, insurance, etc.

**18. Post language that the Department invites persons with disabilities to participate alongside people without disabilities. (Consistent with 35.130(d))**

This was discussed earlier in the eight-step review and is critical to compliance. Coordinate this with communications and marketing staffs. Support the invitation with a practice that one of every ten images online and in print includes a person with a disability.

**19. Make staffs aware of the limitations on the application of “legitimate safety requirements in programs. (Consistent with 35.130h and 35.139)**

This too is another critical requirement. Discuss this at staff meetings, interviews, reports, and in staff training events.

**20. Adopt a service animal policy. (Consistent with 35.136)**

Our model service animal policy is attached. Use some, none, or all of it, but do adopt a policy consistent with title II and other County service animal policies.

**21. Adopt an OPDMD policy. (Consistent with 35.137)**

US DOJ has a guidance memo [here](#). Use this and develop a simple OPDMD guide and publish it for residents as well as employees. In our conclusion report, we also provided guidance on the implementation of the OPDMD requirement.



**22. Identify sign language interpreters in the County and enter into agreements with them for their services. (Consistent with 35.160(b))**

Knowing who can serve as a sign language interpreter, before the need arises, makes this an easy requirement to implement. Publicize the list of available sign language interpreters amongst staffs so they too know how to access interpreters when needed.

**23. Evaluate the Department website. (Consistent with 35.160(a)(1))**

We have an excellent subcontractor that can identify all website deficits. Once remediated by the Department webmaster, the firm can evaluate the effectiveness of the changes. In the alternative, the Department should retain its own contractor for this evaluation.

**24. Investigate the need for, and availability, of TTY systems for use by Department staffs. (Consistent with 35.161)**

Pierce County public safety staffs have dealt with this issue before. Review their approach and adapt it to the needs of the Department.

**25. Reports and agendas should address access and inclusion. (Consistent with smart practices)**

Annual Department reports should address access and inclusion. Talk about the costs, benefits, and challenges. Every significant staff meeting agenda should include a discussion about access and inclusion. The more often staffs discuss these topics, the sooner every employee gets the message that this *is* our mission.

**26. Job descriptions and performance reviews should address access and inclusion. (Consistent with smart practices)**

Every job description in the Department likely address risk management, and access and inclusion should be included too. The same for performance reviews...adding these two aspects to a review reinforces the value to embracing compliance.

**27. Incorporate people-first language in all documents and reports. (Consistent with smart practices)**

The use of people-first language sends a message of respect to people with disabilities. A good guide is [here](#).

**28. Add a disability awareness and ADA awareness element to every seasonal training event. (Consistent with smart practices)**

Do not assume that new employees understand the Department's view on ADA compliance.  
Make certain that brief training modules are included in every pre-season staff training event.

**Conclusion**

The Pierce County Parks and Recreation Department provides excellent service to the community. It is popular with residents, and has a professional and compassionate staff. It is an integral part of the services provided by the County.

When in doubt, lean towards more access, or a yes, instead of less access, or a no. The Department cannot get in trouble by doing more than it should, but can get in trouble by doing less than it should.

The recommendations in this report merely help make what is already good, better. If we can clarify our recommendations, or add to them, please reach me at [john.mcgovern@rac-llc.com](mailto:john.mcgovern@rac-llc.com) or by phone at 224-293-6451. It has been our honor to work with your dedicated team.

**Prepared and Submitted by**



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