



Carol Stream Park District

## Transition Plan Executive Summary

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## Carol Stream Park District Executive Summary

The Carol Stream Park District comes under Title II of the Americans with Disabilities Act (ADA) for State and Local Governments. The Carol Stream Park District has the responsibility to provide equal and integrated access to its services, facilities, programs and activities for its residents and visitors with disabilities. To provide access, the Carol Stream Park District must make reasonable modifications to policies and procedures as well as physical changes to the built environment.

In addition to the physical assessment, the development of policies and procedures for Service Animals, Other Power Driven Mobility Devices (OPDMD), and Effective Communication recommendations and examples have been provided. Additional details and information on the Carol Stream Park District obligation under Title II can be found in the Appendices of this report. For the other policies and procedures noted see additional information on Service Animals, OPDMD, and Effective Communication in the Appendices as well.

The following comments are a summary of the Carol Stream Park District accessibility evaluation and Transition Plan development for over 40 parks and facilities. Each public facility used for programs was reviewed for their compliance with the 2010 Americans with Disabilities Act Accessibility Guidelines (ADAAG), the Illinois Accessibility Code (IAC) and the ADA's proposed Outdoor Developed Area Guidelines. In addition, all elements were evaluated using Equivalent Facilitation standards (ADAAG 103) and Dimensional Tolerances (ADAAG 104.1.1).

In addition, a review of the District's policies and procedures was conducted. A formal policy and procedure manual has not been developed at this time. Included in this summary is an Inclusion Policy and Procedure draft for increasing participation of people with disabilities in your programs. Comments for this review and the accessibility issues noted are by using the standards developed for the Americans with Disabilities Act (ADA), findings from the Department of Justice and review of previous clients policy and procedures. The Transition Plan and policy and procedure review are working documents that should be continually reviewed and updated as changes are made.

Under Title II of the ADA, the regulations prohibit public entities such as the Carol Stream Park District from discriminating against or excluding a person from programs, services or activities on the basis of disability. Carol Stream Park District is responsible to meet the obligations of Title II of the ADA and assign a person as the ADA Coordinator. The ADA Coordinator is responsible to receive, review, and respond to questions and concerns expressed by a person with a disability related to access of the parks and programs. In addition, this person would be responsible to implement removal of access barriers recognized in the Transition Plan.

It should be noted that in existing facilities you are permitted to reassign a program from an inaccessible location to an accessible location (28 C.F.R. §35.150(a)(1);(b)(1)). Any facility built during the time the ADA was enforced is obligated to follow new construction standards and should be accessible. Also, the ADA requires that at a minimum one

accessible route be provided (ADAAG 206.2). However, each park, preserve, building, trail and facility has been reviewed for their accessibility including multiple entrances, features, elements, facilities etc. This is so that as the various areas are updated and changes are made, the access issues that exist can be corrected at that time.

**Priority Parks and Facilities for Barrier Removal**

The Carol Stream Park District maintains over 40 parks and buildings. A variety of activities are available for residents and guests. Activities and facilities can vary from recreation centers, meeting centers, trails, special events, pool, fitness center, disc golf, fishing area, boating area, etc. There are activities for a variety of ages and interests.

An overall review of the parks and facilities indicates the need for increased access of walkways especially in large parks and areas around water features. Parking spaces at several locations have issues related to slopes, striping, location and lack of signage. This is considered by the ADA as the highest priority for removal of barriers and should be completed as soon as possible. The parking would then need to be tied into the accessible routes to the various park and facility elements.

Most park restrooms have various accessibility violations; even newer renovated areas had some barriers. These barriers make the restrooms inaccessible to many people who use mobility devices. It should be noted that the portable toilets did not have all the proper accessibility features to provide an easier use by a person with a disability. Check with your vendor to make sure they are up to proper accessibility standards.

The parks listed below are recommended to have a higher priority for removal of accessibility barriers. These parks and facilities are recommended because of their unique features, facilities, programs and locations throughout the village. The intent of these recommendations is to assist the Park District in removing accessibility barriers that would have the highest impact for the most number of people. They include:

<b>Armstrong Park</b>	<b>Bark Park</b>	<b>Bierman Park</b>
<b>Blue Heron Park</b>	<b>Charger Court Park</b>	<b>Community Park</b>
<b>Elk Trail Recreation Center</b>	<b>Evergreen Lakes Park</b>	<b>Fountain View Recreation Center</b>
<b>Gerald R. Weeks – West Park</b>	<b>Hampe Park</b>	<b>Jirsa Park</b>
<b>McCaslin Park</b>	<b>Papoose Park</b>	<b>Pleasant Hill Park</b>
<b>Red Hawk Park</b>	<b>Simkus Recreation Center and Coral Cove Water Park</b>	<b>Slepicka Homestead Park</b>
<b>Sundance Park</b>	<b>Walter Park</b>	

## Planning Categories for Accessibility Barrier Removal

The following three categories are intended as a helpful tool for the removal of accessibility barriers. The categories include ongoing maintenance, Transition Plan implementation and capital projects. The issues and elements noted under each category are not intended as a definitive list but are a means to assist in the planning for and removal of accessibility barriers in a cohesive and cost effective manner. All items and elements are subject to a shorter replacement schedule if a request or complaint is made by a person with a disability to increase access to programs, services and activities that are offered.

### **Annual Maintenance or Review of Accessibility Issues**

The following list is intended as items that are accessibility issues that are likely to occur each year. These accessibility issues could be removed and adjusted only once a year. In some cases, (such as playground surfaces, door force and timing, debris, etc.) consideration should be made to provide adjustments or removal more than once a year.

- Accessible route - removing debris or elements that have been placed in the accessible route and checking general surface conditions for replacement or re-coating including walkways, parking lots, curb ramps, gutters, etc.
- Branches protruding into walkways and sidewalks.
- Clear floor space and accessible routes – Make sure loose furniture or other loose items (trash cans, ash cans, etc.) do not interfere with accessible routes and clear floor spaces at sinks, toilets, door maneuvering spaces, bench and bleacher clear floor space.
- Door opening force or timing for closing (both exterior and interior doors).
- Exercise equipment's clear floor space.
- Parking spaces needing repainting especially the access aisles.
- Reach range of elements that may have been moved or remounted (brochure racks, soap dispensers, paper towel dispensers, comment boxes, dog disposal bags, etc.).
- Operable parts and replacements if broken (i.e. door and faucet hardware, switches, push buttons, door bells, play equipment handles, etc.)
- Playground engineered wood fiber maintenance.

### **Removal of Accessibility Barriers or Required Upgrades**

The following list of elements could be items that are accessibility barriers noted in the Transition Plan. These are items that do not typically fall into annual maintenance or are a costly item that requires extensive planning or financial support to make the changes.

- Accessible routes that require modifications or replacement such as broken or uneven surfaces, filling gaps, grinding down abrupt transition, modifying slopes, etc.
- Assistive listening devices at assembly or meeting areas/rooms.
- Benches – In locker rooms, dressing rooms, outdoor benches, etc.
- Clear floor space at benches, bleachers, drinking fountains, sinks, telephones, etc.
- Clear swing hinges for widening door clear openings.
- Counter heights.
- Curb ramps and gutters.

- Detectable warnings.
- Door hardware replacement – lever hardware, loop hardware, etc.
- Door and shower thresholds.
- Drinking fountain adjustment or replacement.
- Edge protection at ramps.
- Grab bars – height adjustment, locations, replace with proper sized grab bars, etc.
- Handrails – installation, extensions, replacement, gripping surface, spacing, etc.
- Lockers – lower or raise shelf, lower or raise coat hooks, accessible door hardware, etc.
- Parking spaces – sign locations and heights, parking slopes, proper size of spaces, built-up curb ramps in access aisles, etc.
- Picnic tables of accessible designs, locations, percentages, etc.
- Playground – access to surface, access to elevated elements (transfer platform and/or ramps), ground level play equipment numbers.
- Pool – Lifts, zero depth or sloped entries, transfer systems and/or pool stairs.
- Protruding objects or elements.
- Reach range adjustments for various elements.
- Shower – seat, and grab bars installed.
- Signage – installed or remounting.
- Sink – accessible design/faucets, mounting heights, protective pipe wrap or cover, mounting locations.
- Stairs – tread nosing adjustments, closing open risers, stair surface, etc.
- Toilet – heights, locations, lever location, etc.
- Toilet paper – heights and locations.
- Toilet stall door – locations, hardware, self-closing, etc.
- Trail – slopes, surfacing, conditions, signage, etc. (Considered best practices at this point).
- Urinal – heights, clear floor space, flush control reach ranges, etc.

### **Capital Planning or Renovation Projects**

In some cases projects may require extensive planning or significant capital to remove the accessibility issues. Some parts of elements or accessibility barriers in these areas maybe removed or adjusted to increase access until the time of the major renovation. Other issues may require moving of walls, plumbing, openings, etc. to provide the access.

- Bleacher replacements
- Automatic door openers
- Door clear maneuvering or clear openings
- Elevator
- Playground replacement – This can include requirements to access elevated play components reflected in the Transition Plan.
- Ramp upgrades/replacement/installation
- Shower – upgrades or redesign.
- Stair upgrades/replacement
- Toilet rooms/stalls reconfiguration for spacing

## Policies and Procedures Review for Carol Stream Park District

The review of policies and procedures is being conducted in accordance with the Americans with Disabilities Act (ADA). The ADA requires all public entities to review their policies and procedures to determine if any discriminate against a person with a disability participating in their programming. Integration and inclusion of people with disabilities within a program is a fundamental principle of the ADA (28 C.F.R. §35.130(a)).

A public entity's programs, services and activities cannot be offered if it is not equal to or not as effective as what is provided to others. In addition, no eligibility criteria for participation in a program can not be used to screen out people with disabilities either directly or indirectly unless the criteria is necessary for the program's activity. The intent is to provide equal access to all programs offered by the Carol Stream Park District (28 C.F.R. §35.130(b)(1)(i)-(iv),(vii)).

The Carol Stream Park District's programs, services and activities can make reasonable modifications to policies and procedures to avoid discrimination to a person with a disability. A modification is not required if it would fundamentally change the nature of the program or activity. In addition, it would not be required to be changed if it would cause a direct threat to that person or other participants. (28 C.F.R. §35.104, 28 C.F.R. §35.130(b)(7), 28 C.F.R. §35.150(a)(3)) and 28 C.F.R. §36.208).

No surcharges can be charged by the public entity to cover the cost of effective communication, program modifications or access features and they may not impose any additional requirements or burdens on people with disabilities that they do not require of all participants in the program (28 C.F.R. §35.130(f)).

All programs must be offered in as integrated a setting as possible. Separate programs and activities are permitted only when this design ensures equal opportunity for a person with a disability. When a separate program is offered, qualified individuals with a disability cannot be excluded from participating in regular programs if they choose to do so (28 C.F.R. §35.130(b)(2);(d)).

When the public entity contracts with another organization to provide programs and services to the entity's constituents, the public entity must ensure that, the contractor provides services and activities in a nondiscriminatory manner that are consistent with the requirements of Title II of the ADA (28 C.F.R. §35.151(Preamble)).

In relationship to contractors, the public entity cannot discriminate against a company that employs a person with a disability. The acceptance or non-acceptance of a company must be determined by their qualifications only (28 C.F.R. §35.130(b)(5)).

The Carol Stream Park District must designate a person as the ADA Coordinator. This person is responsible to continue the barrier removal process by determining an approximate date for removal and recording when changes have been made. In addition, they are available to answer questions or concerns by the public related to accessibility

issues. Their contact information should be provided on the website and printed materials such as your brochure.

### Website Accessibility

Although the actual recommended guidelines for website accessibility are not yet law, the Justice Project Civic Access is citing web accessibility in its settlement agreements. Using these agreements as a guide, we would recommend the following for web accessibility.

1. Designate an employee as the web accessibility coordinator who will be responsible for coordinating website compliance. The web accessibility coordinator should have experience with the requirements of Title II of the ADA, the Web Content Accessibility Guidelines (WCAG) version 2.0, and website accessibility generally. The unique environment of the world wide web mandates specific skill, language and protocols, so it is recommended to have a trained ADA Coordinator for this purpose.
2. Adopt, implement, and post online a policy that its web pages will comply with WCAG 2.0 AA, published by the World Wide Web Consortium (W3C), Web Accessibility Initiative (WAI), available at [www.w3.org/TR/WCAG](http://www.w3.org/TR/WCAG).
3. Distribute the policy to all employees and contractors who design, develop, maintain, or otherwise have responsibility for its websites, or provide website content, technical support, or customer service.
4. Provide training to website content personnel on how to conform all web content and services with, at minimum, WCAG 2.0 AA.
5. Assess all existing web content and online services for conformance with, at minimum, WCAG 2.0 AA, by:
  - a. performing automated accessibility tests of its website and all online services, using an automated tool approved by the United States, to identify any accessibility barriers.
  - b. enlisting individuals with different disabilities, including at a minimum individuals who are blind, deaf, and have physical disabilities (such as those limiting the ability to use a mouse), to test its pages for ease of use and accessibility barriers.
6. Provide a notice, prominently and directly linked from the homepage, instructing visitors to its websites on how to request accessible information. The link should provide several methods to request accessible information, including an accessible form to submit feedback, an email address, and a phone number (with TTY) to contact personnel knowledgeable about the accessibility of the website.
7. Provide a notice, prominently and directly linked from the homepage, soliciting feedback from visitors to its websites on how to improve website accessibility. The link should provide several methods to provide feedback, including an accessible form to submit feedback, an email address, and a phone number (with TTY) to contact personnel knowledgeable about the accessibility of the website.
8. Your entity may rely on third parties for some of their website infrastructure such as scheduling. You must ensure that your websites and all online services, including those websites or online services provided by third parties upon which



members of the public participate in or benefit from services, programs, or activities, comply with, at minimum, WCAG 2.0 AA.

#### Communication

- Provide materials in alternate formats. If the materials such as a registration form is not provided on the website, provide large print versions for a person with limited sight to fill out.
- Provide qualified sign language interpreters at all public meetings. Gather a list of sign language interpreters for programs as needed.
- Assistive listening devices should be available for any public meetings or programs. A portable unit would be usable in various locations and situations.
- Provide Braille versions of information.
- Provide general information of programs on a disk for a person to access at home.
- Purchase a TTY system at your main phone. Include the TTY number in all your publications.
- Provide pad of paper at all public locations if communication by writing is the only means at the moment.

#### Brochure and Registration

- Provide in all brochures your efforts to comply with the Americans with Disabilities Act (ADA). Include information to encourage their comments and suggestions.
- Provide contact information for the person responsible as the ADA Coordinator for the Carol Stream Park District.
- For the dog policy, see separate information on service animals.

#### Parks and Facilities

- Locate all loose items away from all clear floor spaces. Provide trash cans, picnic tables, benches, etc. along accessible routes. Some items may also need additional access features such as a concrete pad underneath them or to a side.
- Train janitorial staff to place all loose items in restrooms such as garbage cans away from the clear floor space requirements of sinks, hand dryers, paper towel dispensers, soap dispensers, etc.
- Provide a regular schedule to trim all trees and bushes from protruding into an accessible route.
- A minimum of once a week regrading of engineered wood fiber in playgrounds and other locations to keep the surface accessible.
- Provide a service dog policy to allow qualified dogs to attend programs with their owners. See separate information on service animals. Evaluate all locations and programs to determine if a service animal may not be appropriate.
- Have all construction contracts noted to meet all code requirements of the Americans with Disabilities Act Accessibility Guidelines (ADAAG).
- Note in all construction documents that the cross slope not exceed 2%.

- When ordering portable accessible toilets, make sure the supplier has accessible toilets that meet all the new ADA Accessibility Guideline (ADAAG) requirements.
- Make sure the portable toilet supplier delivers them to an accessible site including surface and accessible route.

#### Staff Training and Development

- Provide in all staff manuals information on appropriate and inappropriate language to use for a person with a disability.
- Discontinue in all manuals, handouts and website the use of the word “handicapped”. Use person first language, i.e. a person with a physical disability, Jill with a hearing impairment, etc.
- Provide disability awareness trainings for staff.

#### Transportation

- If the public entity, such as a park district, provides transportation, then an accessible vehicle must be available if a request is made.
- If renting transportation, determine that the company has available accessible vehicles if necessary when requested by a participant.
- Option: Providing a policy to rent only accessible vehicles ensure that accessibility is provided.

## Priorities Explanation

The following is an overview of the elements that may need to be modified for accessibility and the recommended order noted in the preamble of the Americans with Disabilities Act.

**Priority 1** (Highest Priority) From parking up to and through a door of a building or up to specific area (Such as a picnic shelter, playground, building entrance, etc.)

- Removal of barriers to elements such as or related to a parking, sidewalks, drop-off areas, accessible routes, curb ramps, surfaces, ramps, stairs, protruding objects, doors, entrances, etc.

**Priority 2** (From entrance of a building to different elements within the structure or within a specific area (such as a building's rooms, playground, garden, golf course, etc.).

- Removal of barriers to elements such as or related to accessible routes, protruding objects, ground and floor surfaces, ramps, stairs, lifts, elevators, signage, doors and entrances.

**Priority 3** (Within a restroom and shower area)

- Removal of barriers such as or related to accessible routes, water closet, toilet stalls, urinals, lavatories, shower stalls, toilet rooms, handrails, sinks and signage.

**Priority 4** (Lowest Priority) (Elements not critical to participating in a program but noted in the Americans with Disabilities Act Accessibility Guidelines (ADAAG))

- Removal of barriers to elements such as or related to mirrors, drinking fountains, telephones, etc.

## Accommodations Language for Registration Forms, Brochures, Website

### **ADA Statement Carol Stream Park District**

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 (ADA), the Carol Stream Park District will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs or activities. If you feel that you or someone you know has been discriminated against or you have a recommendation on increasing accessibility of the Park District's services, programs and activities please contact the ADA Coordinator at (630) 784-6163; TTY 7-1-1 to discuss this items further. Concerns can also be emailed to: [ADAcoordinator@csparks.org](mailto:ADAcoordinator@csparks.org)

### **Reasonable Accommodation Statement**

The Carol Stream Park District is committed to accessibility to all individuals with disabilities and strives to comply with the 1990 Americans with Disabilities Act (ADA) through equal and integrated participation. Please advise Carol Stream Park District of any special assistance, accommodations, auxiliary aids or services we can provide for you to participate in our programs, activities, services, meeting, etc. Please indicate your reasonable accommodation needs in the space provided below or contact the ADA Coordinator at (630) 784-6163; TTY 7-1-1 or [ADAcoordinator@csparks.org](mailto:ADAcoordinator@csparks.org) to discuss your accessibility needs. We ask your request be provided a minimum of 72 hours before the scheduled event or meeting. If a request is made less than 72 hours before the event the Carol Stream Park District will make a good faith effort to accommodate your request.

## Carol Stream Park District Grievance Procedure Example

### Grievance Procedure under The Americans with Disabilities Act (ADA)

This Grievance Procedure is established by the Carol Stream Park District to meet the requirements 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 Carol Stream Park District. The Carol Stream Park District's Personnel Policy governs employment-related complaints of disability discrimination.

1. The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of complainant and location, date, and description of the problem. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint, will be made available for persons with disabilities upon request.
2. The complaint should be submitted by the grievant and/or his/her designee as soon as possible but no later than 60 calendar days after the alleged violation to \_\_\_\_\_
3. Within 15 calendar days after receipt of the complaint, the ADA Coordinator or his/her designee will meet with the complainant to discuss the complaint and the possible resolutions. Within 15 calendar days of the meeting, the ADA Coordinator or his/her designee will respond in writing, and where appropriate, in a format accessible to the complainant, such as large print, Braille, or audiotape. The response will explain the position of the Carol Stream Park District and offer options for substantive resolution of the complaint.
4. If the response by the ADA Coordinator or his/her designee does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the decision within 15 calendar days after receipt of the response to the Park District's Executive office or his/her designee.
5. Within 15 calendar days after receipt of the appeal, the Carol Stream Park District Manager's office or his/her designee will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting, the Park District Executive's office or his designee will respond in writing, and, where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.
6. All written complaints received by the ADA Coordinator or his/her designee, to the Carol Stream Park District's Executive office or his/her designee and the responses from those two offices will be retained by the Carol Stream Park District for at least three years.
7. The right of a person to prompt and equitable resolution of the complaint filed hereunder shall not be impaired by the person's pursuit of other remedies such as filing of an ADA complaint with the responsible federal department or agency. Use of this grievance procedure is not prerequisite to the pursuit of other remedies.

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Park District Official

## Other Power-Driven Mobility Device Policy

### Use of Other Power Driven Mobility Devices (OPDMD) on Carol Stream Park District Property

The Carol Stream Park District is dedicated to providing all of its guests with equal access to its features and amenities. The Carol Stream Park District has taken into consideration the use of other power-driven mobility devices in accordance with 28 Code of Federal Regulations section 35.104 and factors such as impacts on other users, the safety of other users, impacts on property and infrastructure, and the noise level of such devices. The Park District has determined that it will permit the use of other power driven mobility devices (“OPDMDs”), as defined below, at parks, on hard surface trails, sidewalks and Park District facilities, and has developed this policy.

**Definition:** An other power driven mobility device (OPDMD) is a device used by a person with a mobility disability. This definition does **not** include gasoline powered devices or vehicles, golf carts, or riding lawn mowers. This definition is restricted to a device with the following specifications:

- a) Must not exceed more than one-half the width of any trail, path or sidewalk on which a device is being used; and
- b) For indoor use, must not exceed 36”; and
- c) Must not weigh more than 250 pounds; and
- d) Must be designed to travel on two or more low-pressure tires; and
- e) Must operate by electric powered engine with a maximum decibel level of 55 or less.

**Permission:** In order to maintain a safe pedestrian environment and the desired pace and flow of visitor traffic, the Carol Stream Park District authorizes persons with mobility impairments to use OPDMDs at parks, on hard surface trails and at Carol Stream Park District facilities, subject to the following restrictions:

1. The operator of the OPDMD must be a person with a mobility or physical impairment, and proof of such impairment may be requested by Carol Stream Park District personnel in accordance with ADA regulations;
2. The OPDMD is allowed only in areas of the park, hard surface trail or Carol Stream Park District facilities in which the general public is allowed.
3. The OPDMD operator must not use or operate such a device at a park, on a hard surface trail, or at Carol Stream Park District facilities if use of the device causes damage to the trail/path/sidewalk, the park grounds or infrastructure, or Park District facilities.
4. The OPDMD must be operated at a speed that is relative to surrounding foot traffic.
5. The OPDMD:
  - a. Must not be operated in a dangerous or reckless manner or at speeds that jeopardize the safety of the operator, or other persons.
  - b. Must not be driven into wet or ecologically sensitive or hazardous areas.
  - c. Must not be operated when parks or Carol Stream Park District facilities are not in operation.
6. The Carol Stream Park District does recognize the use of Segways® as an appropriate device for use inside Park District facilities unless for the following reasons:
  - a. The congestion of foot traffic within the facility may create a hazardous environment.
  - b. The manufacturer’s recommendation for helmet and protective equipment for riders, much like bicycles, skateboards and rollerblades must be followed.
7. The Carol Stream Park District does not accept responsibility for storage of the OPDMD
8. The Carol Stream Park District does not accept responsibility or is held liable for damage to the OPDMD, or injury to the operator, whether caused by the operator, another visitor to a facility or site, or any other circumstance.
9. The Carol Stream Park District reserves the right to suspend the use of facilities or sites by the OPDMD operator if doing so is in the best interests of the Carol Stream Park District and its participants.
10. The Carol Stream Park District reserves the right to change, modify, or amend this policy at any time, as it deems appropriate.

## Service Animal Policy

### Use of Service Animals at Carol Stream Park District Parks and Facilities

In accordance with the Americans with Disabilities Act (ADA) as of March 15, 2010, the Carol Stream Park District allows service animals to access most public areas within its property. For additional information on service animals go the Justice website [www.ada.gov](http://www.ada.gov) for a fact sheet on service animals.

**Definition: Service animals are defined as dogs that are individually trained to do work or perform tasks for people with disabilities.** Examples of such work or tasks include guiding people who are blind, alerting people who are deaf, pulling a wheelchair, alerting and protecting a person who is having a seizure, reminding a person with mental illness to take prescribed medications, calming a person with Post Traumatic Stress Disorder (PTSD) during an anxiety attack, or performing other duties. Service animals are working animals, not pets. The work or task a dog has been trained to provide must be directly related to the person's disability. Dogs whose sole function is to provide comfort or emotional support do not qualify as service animals under the ADA.

**Please Note:** Miniature horse, with a general range in height of 24" to 34" and a weight between 70 lbs. and 100 lbs. are an alternate service animal to dogs. The horses are permitted if 1) the horse is house broken, 2) the horse is under control of the owner, 3) the facility can accommodate the horse's type, size and weight, 4) and their presence does not compromise legitimate safety requirements for safe operations of the facility.

### Staff Members Can Ask Two Questions to Determine if a Dog or Horse is a Service Animal

- 1) Is the dog (or horse) a service animal required because of a disability?
- 2) If yes, then what is the work or task the service animal has been trained to perform?

### Permission:

A service animal is permitted in most public areas of Carol Stream Park District parks and facilities property UNLESS one of two exceptions is met: (1) The animal is out of control and the animal's handler does not take effective action to control it; or (2) The animal is not house-broken.

A service animal shall have a harness, leash, or other tether, unless either the handler is unable because of a disability to use a harness, leash or other tether, or the use of a harness, leash or tether would interfere with the service animal's safe, effective performance of work tasks, in which case the service animal must be otherwise under the handler's control (e.g. voice controls, signals or other effective means).

Service animals are permitted in locker rooms, but not indoor shower facilities. (For assistance in shower facilities, please alert the Carol Stream Park District staff.)

Service animals must be in their official roles and under control at all times.

The Carol Stream Park District reserves the right to change, modify or amend this policy at any time as it deems appropriate.

## Carol Stream Park District Inclusion Policy

The Carol Stream Park District and Western DuPage Special Recreation Association are committed to providing inclusive opportunities to allow for participation in all programs, activities and services offered. We strive to provide these opportunities through reasonable accommodations which may include the provision of support staff, adapted equipment, sign language interpreters, accessible parks and facilities, modification to the program or activity, etc. **Please Note:** All participants are expected to follow the District's Code of Conduct in all activities and programs. If behavior is considered a safety issue for that individual or other participants, it may result in postponed participation or removal from the selected program(s).

It is important for us to be prepared for an inclusive experience; therefore advanced notice of additional support is required. Registration forms include space to advise us of your request for accommodations to participate in the program or activity. With your advanced notice, the Carol Stream Park District and WDSRA will work cooperatively to secure necessary accommodations. Our goal is to better understand you/your family member's needs and create a plan to better ensure a positive experience: a staff member will contact you to discuss accommodation needs.

Some of the information the staff person will need includes:

### General Information

- General information on the participant (name, date of birth, special need)
- Medical information (dietary restrictions, medications, allergies, seizure disorder, etc.)
- Type and level of support needed

### Skills and Abilities

- Level of independence in daily living skills
- Communication skills/Communication aids
- Learning/Instructional style
- Socio-Emotional
- Social preferences
- Activities/situations to avoid
- Preferred activities
- Physical skills/Mobility



### Special Considerations or Situations

- Participant has a service animal
- Participant uses an Other Power Driven Mobility Device (OPDMD), a standard wheelchair or scooter
- Participant requires adapted equipment
- Need for a sign language interpreter
- Behavior management program/Individualized Accommodation Plan

The Carol Stream Park District staff and Western DuPage Special Recreation Association staff will communicate with parents or guardians about their child's or family member's progress at the conclusion of each session. Open communication amongst all parties is encouraged at all times throughout the inclusion process.

### Personal and Invasive Service Policies

Please be advised, the Carol Stream Park District staff do not provide services of a personal nature such as changing clothes, injections, catheterization, g-tube feeding, etc. Staff from the Western DuPage Special Recreation Association may provide assistance with some personal care needs. Should you/a family member require personal services that are not provided to participate, you will be able to bring a personal attendant at no additional charge.

## Carol Stream Park District - PARENT/GUARDIAN AGREEMENT

Participant Name: \_\_\_\_\_

Program Participating in: \_\_\_\_\_

- I understand that this service is not designed for therapeutic or one-on-one care.
- I understand that the Inclusion Aide does not dictate the structure of the program, and should I have concerns about the structure of the program, I should contact the Executive Director.
- I understand it is my responsibility to provide the Carol Stream program staff with the most current information on my child/dependent and his/her abilities to assist in making modifications to meet his/her needs.
- I understand it is my responsibility to let the Carol Stream program staff know if there are any changes to the information I have provided on my child/dependent as soon as a change occurs.
- I understand it is my responsibility to inform the Carol Stream program staff for each program my child/dependent signs up for in which I wish to have his/her modifications in place.
- I understand that my child's/dependent's inclusion plan does not exempt him/her from following the Carol Stream Park District program rules and consequences. The modifications in place may assist him/her in meeting these rules, but does not exempt him/her from following them.
- I understand that if my child/dependent is unable to comply with these rules, even with use of the modifications in place, he/she will be subject to the Carol Stream Park District disciplinary procedures. Conferences, probationary periods and suspensions are some of the steps that may be taken to ensure participants and families are aware their placement in the program is in jeopardy. In some cases, participants may be subject to emergency suspension or expulsion if their behaviors are beyond our ability to control.

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Parent/Guardian Signature

Date

### I. Who is Covered by Title II of the ADA?

The Title II regulation covers "public entities."

"Public entities" include any State or local government and any of its departments, agencies, or other instrumentalities.

All activities, services, and programs of public entities are covered, including activities of State legislatures and courts, town meetings, police and fire departments, motor vehicle licensing, and employment. Unlike section 504 of the Rehabilitation Act of 1973, which only covers programs receiving Federal financial assistance, Title II extends to all the activities of State and local governments whether or not they receive Federal funds. Private entities that operate public accommodations, such as hotels, restaurants, theaters, retail stores, dry cleaners, doctors' offices, amusement parks, and bowling alleys, are not covered by Title II but are covered by Title III of the ADA and the Department's regulation implementing Title III.

Public transportation services operated by State and local governments are covered by regulations of the Department of Transportation (DOT)). DOT's regulations establish specific requirements for transportation vehicles and facilities, including a requirement that all new busses must be equipped to provide services to people who use wheelchairs.

### II. Overview of Requirements

State and local governments

- May not refuse to allow a person with a disability to participate in a service, program, or activity simply because the person has a disability. For example, the Carol Stream Park District may not refuse to allow a person with epilepsy to use parks and recreational facilities.
- Must provide programs and services in an integrated setting, unless separate or different measures are necessary to ensure equal opportunity.
- Must eliminate unnecessary eligibility standards or rules that deny individuals with disabilities an equal opportunity to enjoy their services, programs or activities unless "necessary" for the provisions of the service, program or activity. Requirements that tend to screen out individuals with disabilities, such as requiring a driver's license as the only acceptable means of identification, are also prohibited.
  - Safety requirements that are necessary for the safe operation of the program in question, such as requirements for eligibility for drivers' licenses, may be imposed if they are based on actual risks and not on mere speculation, stereotypes, or generalizations about individuals with disabilities.
- Are required to make reasonable modifications in policies, practices, and procedures that deny equal access to individuals with disabilities, unless a fundamental alteration in the program would result.

For example, a Carol Stream Park District office building would be required to make an exception to a rule prohibiting animals in public areas in order to admit guide dogs and other service animals assisting individuals with disabilities.

- Must furnish auxiliary aids and services when necessary to ensure effective communication, unless an undue burden or fundamental alteration would result.
- May provide special benefits, beyond those required by the regulation, to individuals with disabilities.
- May not place special charges on individuals with disabilities to cover the costs of measures necessary to ensure nondiscriminatory treatment, such as making modifications required to provide program accessibility or providing qualified interpreters.
- Shall operate their programs so that, when viewed in their entirety, they are readily accessible to and usable by individuals with disabilities.

### III. "Qualified Individuals with Disabilities"

Title II of the Americans with Disabilities Act provides comprehensive civil rights protections for "qualified individuals with disabilities."

An "individual with a disability" is a person who:

- Has a physical or mental impairment that substantially limits a "major life activity",
- or, Has a record of such an impairment,
- or, Is regarded as having such an impairment.

Examples of physical or mental impairments include, but are not limited to, such contagious and noncontagious diseases and conditions as orthopedic, visual, speech, and hearing impairments; cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, emotional illness, specific learning disabilities, HIV disease (whether symptomatic or asymptomatic), tuberculosis, drug addiction, and alcoholism. Homosexuality and bisexuality are not physical or mental impairments under the ADA.

"Major life activities" include functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working. Individuals who currently engage in the illegal use of drugs are not protected by the ADA when an action is taken on the basis of their current illegal use of drugs.

"Qualified" Individual.

A "qualified" individual with a disability is one who meets the essential eligibility requirements for the program or activity offered by a public entity.

The "essential eligibility requirements" will depend on the type of service or activity involved.

For some activities, such as State licensing programs, the ability to meet specific skill and performance requirements may be "essential."

For other activities, such as where the public entity provides information to anyone who requests it, the "essential eligibility requirements" would be minimal.

### **IV. Program Access**

State and local governments

- Must ensure that individuals with disabilities are not excluded from services, programs, and activities because buildings are inaccessible.
- Need not remove physical barriers, such as stairs, in all existing buildings, as long as they make their programs accessible to individuals who are unable to use an inaccessible existing facility.
- Can provide the services, programs, and activities offered in the facility to individuals with disabilities through alternative methods, if physical barriers are not removed, such as:
  - Relocating a service to an accessible facility, e.g., moving a public information office from the third floor to the first floor of a building.
  - Providing an aide or personal assistant to enable an individual with a disability to obtain the service.
  - Providing benefits or services at an individual's home, or at an alternative accessible site.
- May not carry an individual with a disability as a method of providing program access, except in exceptional circumstances.
- Are not required to take any action that would result in a fundamental alteration in the nature of the service, program, or activity or in undue financial and administrative burdens. However, public entities must take any other action, if available, that would not result in a fundamental alteration or undue burdens, but would ensure that individuals with disabilities receive the benefits or services.

### **V. Integrated Programs**

Integration of individuals with disabilities into the mainstream of society is fundamental to the purposes of the Americans with Disabilities Act.

Public entities may not provide services or benefits to individuals with disabilities through programs that are separate or different, unless the separate programs are necessary to ensure that the benefits and services are equally effective.

Even when separate programs are permitted, an individual with a disability still has the right to choose to participate in the regular program.

For example, it would not be a violation for a Carol Stream Park District to offer recreational programs specially designed for children with mobility impairments, but it would be a violation if the Carol Stream Park District refused to allow children with disabilities to participate in its other recreational programs.

State and local governments may not require an individual with a disability to accept a special accommodation or benefit if the individual chooses not to accept it.

### **VI. Communications**

State and local governments must ensure effective communication with individuals with disabilities.

Where necessary to ensure that communications with individuals with hearing, vision, or speech impairments are as effective as communications with others, the public entity must provide appropriate auxiliary aids.

"Auxiliary aids" include such services or devices as qualified interpreters, assistive listening headsets, television captioning and decoders, telecommunications devices for deaf persons (TDD's), videotext displays, readers, taped texts, Brailled materials, and large print materials.

A public entity may not charge an individual with a disability for the use of an auxiliary aid.

Telephone emergency services, including 911 services, must provide direct access to individuals with speech or hearing impairments.

Public entities are not required to provide auxiliary aids that would result in a fundamental alteration in the nature of a service, program, or activity or in undue financial and administrative burdens. However, public entities must still furnish another auxiliary aid, if available, that does not result in a fundamental alteration or undue burdens.

### **VII. New Construction and Alterations**

Public entities must ensure that newly constructed buildings and facilities are free of architectural and communication barriers that restrict access or use by individuals with disabilities.

When a public entity undertakes alterations to an existing building, it must also ensure that the altered portions are accessible.

The ADA does not require retrofitting of existing buildings to eliminate barriers, but does establish a high standard of accessibility for new buildings.

Public entities may choose between two technical standards for accessible design: The Uniform Federal Accessibility Standard (UFAS), established under the Architectural Barriers Act, or the Americans with Disability Act Accessibility

Guidelines, adopted by the Department of Justice for places of public accommodation and commercial facilities covered by Title III of the ADA.

The elevator exemption for small buildings under ADA Accessibility Guidelines would not apply to public entities covered by Title II.

### **VIII. Enforcement**

Private parties may bring lawsuits to enforce their rights under Title II of the ADA. The remedies available are the same as those provided under section 504 of the Rehabilitation Act of 1973. A reasonable attorney's fee may be awarded to the prevailing party.

Individuals may also file complaints with appropriate administrative agencies. The regulation designates eight Federal agencies to handle complaints filed under Title II.

Complaints may also be filed with any Federal agency that provides financial assistance to the program in question, or with the Department of Justice, which will refer the complaint to the appropriate agency.

### **IX. Complaints**

Any individual who believes that he or she is a victim of discrimination prohibited by the regulation may file a complaint. Complaints on behalf of classes of individuals are also permitted.

Complaints should be in writing, signed by the complainant or an authorized representative, and should contain the complainant's name and address and describe the public entity's alleged discriminatory action.

Complaints may be sent to --

Disability Rights Section  
Civil Rights Division  
U.S. Justice  
P.O. Box 66738  
Washington, D.C. 20035-6738

Complaints may also be sent to agencies designated to process complaints under the regulation, or to agencies that provide Federal financial assistance to the program in question.

### **X. Designated Agencies**

The following agencies are designated for enforcement of Title II for components of State and local governments that exercise responsibilities, regulate, or administer services, programs, or activities in the following functional areas:

**Agriculture:** Farming and the raising of livestock, including extension services.  
**Education:** Education systems and institutions (other than health-related schools), and libraries.

**Health and Human Services:** Schools of medicine, dentistry, nursing, and other health-related schools; health care and social service providers and institutions, including grass roots and community services organizations and programs; and preschool and daycare programs.

**Housing and Urban Development:** State and local public housing, and housing assistance and referral.

**Interior:** Lands and natural resources, including parks and recreation, water and waste management, environmental protection, energy, historic and cultural preservation, and museums.

**Justice:** Public safety, law enforcement, and the administration of justice, including courts and correctional institutions; commerce and industry, including banking and finance, consumer protection, and insurance; planning, development, and regulation (unless otherwise assigned); State and local government support services; and all other government functions not assigned to other designated agencies.

**Labor:** Labor and the work force.

**Transportation:** Transportation, including highways, public transportation, traffic management (non-law enforcement), automobile licensing and inspection, and driver licensing.

## **XI. Technical Assistance**

The ADA requires that the Federal agencies responsible for issuing ADA regulations provide "technical assistance."

Technical assistance is the dissemination of information (either directly by the Department or through grants and contracts) to assist the public, including individuals protected by the ADA and entities covered by the ADA, in understanding the new law.

Methods of providing information include, for example, audio-visual materials, pamphlets, manuals, electronic bulletin boards, checklists, and training.

The Department issued for public comment on December 5, 1990, a government-wide plan for the provision of technical assistance.

The Department's efforts focus on raising public awareness of the ADA by providing Factsheets and pamphlets in accessible formats,

Speakers for workshops, seminars, classes, and conferences,

An ADA telephone information line, and

Access to ADA documents through an electronic bulletin board for users of personal computers.

The Department has established a comprehensive program of technical assistance relating to public accommodations and State and local governments.



## Overview of Title II

Grants will be awarded for projects to inform individuals with disabilities and covered entities about their rights and responsibilities under the ADA and to facilitate voluntary compliance.

The Department will issue a technical assistance manual by January 26, 1992, for individuals or entities with rights or duties under the ADA.

For additional information, contact:

U.S. Justice  
950 Pennsylvania Avenue, NW  
Civil Rights Division  
Disability Rights Section, NYAV  
Washington, D.C 20035-6738

(800) 514-0301 (Voice)

(800) 514-0383 (TDD)

[www.ada.gov](http://www.ada.gov)