



recreation accessibility consultants, llc

February 2013

Congratulations to Illinois Parks and Recreation Conference Award Recipients

We enjoyed participation at the Illinois Parks and Recreation Conference, January 23 to 26, in Chicago. RAC was part of the W-T Engineering booth, with other parks and recreation companies under the W-T umbrella. That included Brusseau Design Group, a creative and respected landscape architecture firm headed by Joe Brusseau, and Innovative Aquatics Design, the leading aquatics engineering firm, headed by Jim Lueders.

The Conference is co-conducted by the Illinois Association of Park Districts (IAPD) and the Illinois Park and Recreation Association (IPRA). A number of prestigious awards were announced at the conference, and we were proud to see some go to our current or former clients. The recipients were:

- Robert Artz Lifetime Achievement Award: Chuck Balling, Executive Director, Glenview Park District
- Community Impact Award: Claudia Freeman, Waukegan Park District
- Young Professional of the Year: Stacey Van Enkevort, Arlington Heights Park District
- Professional Award: Rita Fletcher, Executive Director, Bartlett Park District
- Outstanding Sustainability/Conservation Award: Park District of Highland Park & Forest Preserve District of Will County

There were many other awards; for a full list, visit www.ilparks.org and www.iapd.org.

US Department of Education Gives (Some) Guidance...

In a significant development, on January 25, 2013 the Secretary of the Department of Education (DOE) Arne Duncan issued "significant guidance" to all schools in the US. It claims, in short, that participation in school sports for students with disabilities is a civil right.

IN THIS ISSUE

Congratulations to Illinois Parks and Recreation Conference Award Recipients

US Department of Education Gives (Some) Guidance...

Flagg-Rochelle Community Park District Retains RAC for System-Wide Access Audit

An Electrical Engineer Asked About Alarms...

New Outdoor Recreation Wheelchairs...

Which Conference is Next?

Shelley Says...

Finally...The International Olympic Committee Did What!?

ABOUT US

Recreation Accessibility Consultants, LLC has the skill to aid park districts, park and recreation agencies, forest preserve and conservation districts, and special recreation agencies in their endeavors to provide recreation to people.

More About RAC...

This should not be a surprise to school experts and certainly not to the access and inclusion world. In the last ten years many state high school athletic associations, some voluntarily and some as a response to various levels of complaints have modified interscholastic sports qualification rules, and participation rules, so that students with disabilities could compete in sports alongside other students without disabilities. And for decades before that, students with disabilities have been active participants in sports from swimming to football to wrestling to basketball to hockey to baseball.

The directive, in the form of a letter, not regulations, is good news and bad news. Good in the sense that it makes clear what the broad, overarching goal is: inclusive sport opportunities, and to some extent, additional opportunities just for athletes with disabilities...not unlike title IX and women's' sports. Bad however, in the sense that clear direction as to expectations, process, funding, and other important issues was lacking.

The concept was bolstered by a General Accountability Office (GAO) 2010 report that showed, "...access to, and participation in, extracurricular athletic opportunities provide important health and social benefits to all students, particularly those with disabilities. These benefits can include socialization, improved teamwork and leadership skills, and fitness."

Unfortunately, the GAO found that students with disabilities are not being afforded an equal opportunity to participate in extracurricular athletics in public elementary and secondary schools, and recommended that DOE issue this directive, or something similar to it. Hence...the DOE action.

The DOE letter bears all the hallmarks of access and inclusion we have seen in public parks and recreation, and in nonprofit sports and recreation. Whether under ADA title II or Section 504 of the 1973 Rehabilitation Act, the concepts are similar. Schools must:

Invite students with disabilities to participate, and welcome them when they do tryout.

Assess the way in which the student's health condition or disability, and the rules of the sport, interface, and in doing so determine what, if any modifications are needed.

Plan modifications and test them at practice, then train coaches, athletes, staff and others in the implementation of the modifications.

Finally, **implement the modifications** and evaluate their effectiveness.

How will school districts respond? We have already seen a school district in North Carolina call "foul" because the District thought it was doing a good job in including students. It has expressed concern,

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echoed by other school districts, about when inclusive sport is adequate and when a new league must be created.

This issue likely has an impact on parks and recreation agencies too. As interscholastic sport changes, expect changes at elementary and middle school levels of sport. That undoubtedly affects parks and recreation agencies, as families of kids with disabilities, of all ages, will start to say, "My son participates in a sledge hockey (or beep ball, or wheelchair basketball) league at school, why doesn't parks and recreation have the same number of programs?"

We all recognize that what is required to happen in school and what is required to happen at a parks and recreation agency are very, very different things. But in this example, the issue is more about the **expectation** of your customers who have a child with a disability...and parks and recreation is in the customer service business. This move will certainly change the way schools and sports occur, and that change will touch parks and recreation too.

Want to read the DOE letter to schools yourself? It is attached as a pdf file [here](#). Want to see the DOE FAQ list? Find it [here](#).

Flagg-Rochelle Community Park District Retains RAC for System-Wide Access Audit

"We have kept up as new sites are developed, but we really want to look at all of our existing sites", said Eric Christensen, Executive Director of the Flagg-Rochelle Community Park District in Rochelle, IL. The District, located west of Chicago and south of Rockford, retained RAC on January 21. Our teams started access audits in unseasonably warm weather the end of January, and will return for more of the same.

An Electrical Engineer Asked About Alarms...

We received a call from an electrical engineer working for a parks and recreation client regarding alarms. Principally, he wanted to know when accessible (visual and audible) alarms are required in existing sites. We said generally when the alarm system is altered or replaced or first installed, if after 1992, the requirement was triggered. In searching further at the US Access Board website, we found an excellent 2003 posting. Please review it at your leisure [here](#). We found it quite informative and hope you do as well.

New Outdoor Recreation Wheelchairs...

USA Today had a great article about outdoor recreation and new wheelchairs designed for uneven, slippery, steep terrain. We have the

link [here](#). And...a tip of the hat to the National Center on Accessibility at Indiana University!

Which Conference is Next?

RAC President John McGovern returns home and speaks at the New Mexico Recreation and Parks Association Conference in Albuquerque on February 27. One of his sessions addresses agency partnerships, which will of course feature a couple of partnerships providing service for people with disabilities. Another will address Youth Sports and the ADA.

After a handful of days at home, John heads for Lubbock, TX for the annual Texas Recreation and Parks Society (TRAPS) Conference. One long session will address the 2010 Standards and the new title II policy requirements. Another session is titled "Texans in Trouble: Applying the ADA to PARDS". In Tex-an, a PARD is short for Parks and Recreation Departments, and this session will review some of the old and new court and administrative decisions regarding parks and recreation.

Need a speaker for your next state or regional conference? John loves to talk about how the ADA affects parks and recreation...reach him at john.mcgovern@rac-llc.com.

Shelley Says...

This month, our Senior Project Manager Shelley Zuniga writes about alterations and the accessible route.

RENOVATION AND THE ACCESSIBLE ROUTE

You don't really use that locker room anymore, and you've run out of space for your preschool program, the plan is to renovate the locker room and repurpose it for use as a preschool classroom. You know that you need to make the new space comply with the 2010 standards, but what other access requirements does this trigger?

Let's start with defining alteration - in simple terms, an alteration is a change to a space that affects or could affect the usability of the building or facility. The definition is the same in title II and the 2010 Standards. Normal maintenance, such as repainting, reroofing, wallpapering, asbestos removal or changes to mechanical or electrical systems, are **not** alterations unless they change the usability of the building or facility.

Once you have determined that the work is an alteration, you need to assure that, to the maximum extent feasible, the path of travel to the altered area, restrooms, telephones and drinking fountains serving the altered area are accessible to and usable by individuals with

disabilities, including those in wheelchairs. There is a cap...when the cost and scope of the alterations are disproportionate to the overall cost of the alteration, it need not be completed.

What is considered disproportionate? The cost of the renovation to create the path of travel need not exceed 20% of the total cost of the renovation. Simple math means for a \$1,000,000 alteration, path of travel costs can be capped at \$200,000. Sounds like a lot, but that may be from parking to an exterior accessible route to the entries to the service counters through the hallway restrooms and finally, to the new element, let's say a fitness center. When looking at that total, you may need to decide on an order of importance of the elements of the path of travel - they are as follows:

- An accessible entry
- An accessible route to the altered area
- At least one accessible restroom for each sex, or a unisex restroom
- Accessible telephones
- Accessible drinking fountains
- When possible, additional accessible elements such as parking, storage and alarms

In some states, there may be greater requirements for access retrofits when renovating, so be sure to refer to your state and local codes as well.

Finally... The International Olympic Committee Did What!?

In a move announced February 12, 2013, the International Olympic Committee (IOC) meeting in Lausanne, Switzerland announced plans to drop wrestling from its program effective 2020. Wrestling, featuring Greco-Roman and freestyle events, is one of the oldest sports on the modern-era Olympic schedule, dating back to 1896.

But wait a minute...forget the Olympics. Wrestling, along with track and field events, is undoubtedly one of the oldest sports known to humanity. From College Sports Scholarships: "Wrestling is one of the few sports that can be traced back to the beginnings of recorded history. There are cave drawings in France that are over 15,000 years old. Babylonian and Egyptian and Babylonian reliefs depict wrestling bouts where wrestlers are using most of the holds known to the modern-day sport."

Did you get that...cave drawings? Are there cave drawings of basketball? Are there cave drawings of curling? Are there cave drawings of water polo? Are there cave drawings of ping pong? Ohhh...sorry I meant table tennis.

And from our perspective here at RAC, wrestling **is** and **always has**

been an inclusive sport. Wrestlers with disabilities or health conditions have competed against wrestlers without disabilities for decades (if not centuries). Diabetes, seizure disorders, missing limbs, speech issues, hearing impairments, low vision or blindness, Down syndrome, Cerebral Palsy, asthma, Tourette syndrome...we have seen wrestlers with these conditions and more. Is the IOC that unaware of trends in the participating countries, like the article above regarding DOE guidance to schools here in the US regarding sport for students with disabilities?

Finally, many, many wrestlers have moved on to great parks and recreation careers. Just to name a few...**Michael Meadors** in Kansas, **Terry Robertson** in Missouri, **Jeff Witman** in Pennsylvania, **Tom Norquist** at PlayCore, **Ken Kutska** in Oregon with ASTM, and too many others to even try to name here.

So what can we do about it? We'll communicate our thoughts to Olympic authorities. We hope you will too. In the meantime, take a wrestler out for a cup of tea and an orange and honor one of the oldest leisure time activities known to humanity.

Disclaimer

Nothing in this newsletter is legal advice. It is instead a relaying of decisions and information about the application of the Americans with Disabilities Act to public parks and recreation. Readers interested in legal advice should seek an attorney licensed in your state that knows the ADA and can apply it to parks and recreation.



THE W-T FAMILY OF COMPANIES

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