

The University of Maryland Eastern Shore



TRANSITION PLAN

for compliance with the
AMERICANS WITH DISABILITIES ACT

August 1, 2011





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AMERICANS WITH DISABILITIES ACT
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Mr. Brad Hastings	<i>Vice President – Becker Morgan Group, Inc.</i>

Ms. Cari Waitrous

ADA Coordinator - Maryland Department of Disabilities

PREFACE

This Transition Plan was prepared by Becker Morgan Group, Inc. in collaboration with Facilities, Planning, and Engineering staff of the University of Maryland Eastern Shore. The plan is in response to Title II, Section 35.151 of the Americans with Disabilities Act (ADA) 2010 and the requirements of the Maryland Department of Disabilities. We acknowledge the leadership of the State of Maryland Department of Disabilities, ADA Coordinator, Ms. Cari Waitrous.

[The ADA established that a public (Title II) entity may not deny the benefits of its programs, activities and services to persons with disabilities. Thus, it is the general availability of a program to persons with disabilities that must be evaluated, not in compliance with facility standards developed for new construction and alterations. While State and local governments may wish to measure the accessibility of their existing buildings against the scoping and technical provisions in ADAAG or UFAS, program accessibility may be achieved without making every existing facility – or every part of an existing building – accessible. Alternatives to building retrofit can include the temporary relocation of an activity to an accessible facility or the delivery of the service or benefit by other means. In many cases, however, permanent construction that provides physical access may be the most efficient and economical approach to program access, particularly when life cycle costs are considered.] (“ADAAG Checklist”)

This transition plan identifies structural changes that are required on facilities and buildings for this institution to fully comply with the requirements of the ADA and its amendments at the time this document was prepared.

I. Summary of Required Elements for the Transition Plan

- A. Identification of person responsible for implementing the plan
- B. List of physical barriers limiting programmatic accessibility
- C. Detailed outline of the methods to be utilized for barrier removal
- D. Schedule/timeline for barrier removal
- E. Cost estimates associated with requirements B. and C.
- F. Conclusion

A. Identification of Person Responsible for Implementing the Plan

The University of Maryland Eastern Shore has identified Maurice C. Ngwaba, the Assistant to the Vice President of Administrative Affairs at UMES as the University Official responsible for the implementation of the transition plan.

Maurice C. Ngwaba, Ph.D., CCS, AICP, AIA
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B. List of Physical Barriers Limiting Programmatic Accessibility

The University of Maryland Eastern Shore has engaged the architectural/engineering firm of Becker Morgan Group, Inc. to develop a Transition Plan (see attached listing) in response to the updated Access Maryland Eligibility Criteria.

Becker Morgan Group, Inc.
Architecture/Engineering
312 West Main Street, Suite 300
Salisbury, Maryland 21801

C. Detailed Outline of the Methods to be Utilized for Barrier Removal

The University of Maryland Eastern Shore provides programmatic accessibility to all potential students, faculty and visitors and as such there are no physical barriers required to be removed at this time. Since there are no obstructions required to be removed, this document does not provide a detailed summary for their removal, however, the transition report does list physical modifications that would augment 'Program Accessibility'.

D. Schedule / Timeline for Barrier Removal

Pursuant to Item C. summarized above, there are no barriers to programmatic accessibility requiring removal at this time, thus, there is not a schedule / timeline for their removal. The transition report does provide a list of opportunities to enhance program accessibility which will be reviewed and undertaken by the University as funding becomes available.

E. Cost Estimates Associated with Requirements B. and C.

Cost estimates have been provided for the list of physical modifications that would augment program accessibility as mentioned in C. These cost estimates are based upon available data at the time this report was produced and should be re-evaluated if and when the modifications are undertaken in order to adjust for the prevailing market conditions.

F. Conclusion

The University of Maryland Eastern Shore has endeavored to achieve programmatic accessibility; however, there are physical improvements which ought to be considered in order to augment the accessibility of the University's programs. The list of physical modifications is incorporated as an appendix within this document.

The total cost for the identified list of physical modifications as of 2011, is \$7,508,254 of which \$5,090,043 applies to State-Supported facilities, and \$2,418,481 to Non-State facilities.

The University will continue to develop annual funding request for State-Supported Facilities through the Access Maryland Program in order to augment the current access for persons with disabilities. The executor of Non-State Supported Facilities will be furnished the list of improvements and will be responsible for their implementation as funding allows through the regular University program.

The University of Maryland Eastern Shore will continue to enhance the programmatic accessibility of its current facilities and ensure that all new construction projects will meet the requirements of the Americans with Disabilities Act as prescribed by Local, State and Federal agencies. The University's Transition Plan provides an outline for achievement of increased accessibility for current and future students, faculty, staff and visitors.

II. Transition Plan Development

A. Purpose of ADA

The American with Disabilities Act (ADA), signed by President H.W. Bush on July 26, 1990, is a landmark legislation to extend civil rights protection to people with disabilities. The ADA prohibits discrimination on the basis of disability in employment, State and Local Government services, public transportation, public accommodations, commercial Compliance Board (Access Board) to supplement its Minimum Guidelines and Requirements for Accessible Design to serve as the basis for regulations to be issued by the Department of Justice and the Department of Transportation under Title II and Title III of the Act. On July 26, 1991, the Access Board published its ADA Accessibility Guidelines for Buildings and Facilities (ADAAG). These guidelines were amended to buildings and facilities covered by Title II and Title III of the ADA to the extent required by regulations issued by the Department of the Justice and the Department of Transportation under the ADA. (“FAQ About ADAAG”)

The Department of Justice published revised regulations for Titles II and III of the American with Disabilities Act of 1990 “ADA” in the Federal Register on September 15, 2010. These regulations adopted revised, enforceable accessibility standards called the 2010 ADA standards for Accessible Design “2010 Standards” or “Standards”. The new standards were permitted for use on new construction and alterations as of their date of release. Their use will be mandatory and the previous standard will no longer be allowed as of March 15, 2012.

Buildings and facilities constructed or altered by, on behalf of, or for the use of State and local governments covered by Title II of the ADA requires a Transition Plan per 38 CFR 235.150(d) to include the following:

1. Identification of person responsible for implementing the plan.
2. A list of physical barriers in a public entity’s facilities that limit the accessibility.
3. A detailed outline of the methods to be utilized for barrier removal.
4. The schedule/timeline for barrier removal.

The Maryland Department of Disabilities has added an additional requirement

5. Cost estimate associated with the barrier removal.

For purposes of this Transition Plan, new buildings or major renovations designed and constructed since the adoption of ADA regulations are presumed in compliance and are not included in the scope.

Program Accessibility states that:

A public entity may not deny the benefits of its programs, activities, and services to individuals with disabilities because its facilities are inaccessible. A public entity’s services, programs, or activities, when viewed in their entirety, must be readily accessible to and usable by individuals with disabilities. This standard, known as “program accessibility,” applies to all existing facilities of a public entity. Public entities, however, are not necessarily required to make each of their existing facilities accessible. (“ADA Title II Technical Assistance Manual”)

B. Methodology

The University of Maryland Eastern Shore contracted with Becker Morgan Group, Inc. to develop a transition plan for the University to meet the criteria of the ADA listed above as required to meet the requirements of the Access Maryland Program as administered by the Maryland Department of Disabilities.

Becker Morgan Group, Inc. reviewed the requirements and received additional guidance from the Maryland Department of Disabilities, whom provided an example of the University of Maryland College Park's successful Transition Plan for reference purposes. Becker Morgan Group, Inc. developed and utilized a comprehensive checklist as indicated below to execute the site surveys and develop this Transition Plan.

1. Defining Programmatic Accessibility

The critical first step in creating this Transition Plan was to evaluate the University's existing facilities as they apply to the requirements for programmatic accessibility as defined above. The University acknowledged that a number of existing building do not meet the current requirements of ADA, however, they are able to provide program accessibility through non-structural means as described below:

Public entities may achieve program accessibility by a number of methods. In many situations, providing access to facilities through structural methods, such as alteration of existing facilities and acquisition or construction of existing facilities, may be the most efficient method of providing program accessibility. The public entity may, however, pursue alternatives to structural changes in order to achieve program accessibility. Non-structural methods include acquisition or redesign of equipment, assignment of aides to beneficiaries and provision of services at alternate accessible sites. ("ADA Title II Technical Assistance Manual")

2. Physical Evaluation of Existing Campus Structures

There are 92 existing structures at the University of Maryland Eastern Shore, of which 11 structures were excluded because they were renovated or constructed after the ADA was adopted and 26 structures were excluded because they are not subject to the regulations of ADA (see Appendix C). This leaves 55 existing structures that are included as part of this transition plan.

The physical evaluations were completed by Becker Morgan Group, Inc. using the:

Americans with Disabilities Act
Accessibility Guidelines
Checklist for Building and Facilities (Appendix E)
As published by
The United States Architectural and Transportation Barriers Compliance Board
1331 F Street, NW Suite 1000
Washington, DC 20004-1111

The physical evaluations excluded the following summary sheets:

Sheet A: Parking and Passenger Loading Zones
Survey focused on structures and access to accessible route only

Sheet I: Accessible Buildings –Additions and Alterations
Survey conducted based upon ADA requirements for new construction

Sheet J: Historic Preservation
Survey conducted based upon ADA requirements for new construction

3. Summary

Since the University's programs are accessible, the requirements for a detailed outline of methods to remove barriers and schedule/time line for barrier removal were not applicable for this transition report; however, general details for both are outlined. While the programs are accessible, the University acknowledges that many of their existing buildings are in need of physical improvements in order to achieve compliance with the ADA which was accomplished through Physical evaluations as identified above.

III. Transition Plan

A. Enhancements to Programmatic Accessibility

The comprehensive list of facilities (Appendix B) was reviewed by Becker Morgan Group, Inc. and the Facilities Planning, Design, and Construction Department and their applicability to the ADAAG Checklist for Buildings and Facilities (Appendix E) as it applies to the UMES Transition Plan. From this review a number of campus facilities were deleted from the survey (Appendix C), resulting in the final list of facilities to be surveyed for Programmatic Access (Appendix D). The facilities are organized under six (6) categories:

- I. Academic: Facilities for academic research and instruction.
- II. Administrative: Facilities for administrative / support purposes.
- III. Library: Facilities for “study” and all related Library programs.
- IV. Auxiliary: Facilities such as residence halls, student unions, and dining halls.
- V. Agricultural: Facilities used for agricultural purposes in an educational setting.
- VI. Non-Academic: Facilities for plant and maintenance operations, storage, shop, public safety, and other non-academic support space.

Of these categories, self-supported (Non-State Funded) facilities include under IV – Auxiliary Facilities. The remaining categories included State-Funded facilities.

UMES continues to maintain programmatic accessibility through both structural and non-structural methods and is committed to making accommodations for persons with disabilities as needs arise. The List of Enhancements to Programmatic Accessibility (Appendix E) provides opportunities for the University to pro-actively augment programmatic accessibility through structural methods for existing structures that were designed prior to the enactment of ADA legislation. All new facilities and major renovations to existing buildings will be required to meet applicable ADA guidelines, which will ensure that the University’s current and future programs are accessible.

B. Budget Cost Estimates

Budget cost estimate were developed based upon available construction cost data at the time this transition plan was developed and includes cost data provided by RS Means 2010 as well as similar projects under contract during this time period. It is recommended that these costs be re-evaluated prior to submission for funding to include potential escalation factors based upon year of construction due to the volatile nature of the construction costs. The estimates include allowances for construction contingencies (15%), design contingencies (20%) and design fees (20%). The costs are summarized below based upon Facility category with detailed cost estimate information included on The List of Enhancements to Programmatic Accessibility (Appendix E)

I. Academic:	\$3,559,490
II. Administrative:	\$974,919
III. Library:	\$263,965
IV. Auxiliary:	\$2,418,481 (Non-State Supported)
V. Agriculture:	\$0 (There are no enhancements included under this category)
VI. Non-Academic:	\$72,075
Total for State Supported Facilities (Cat. I, II, III, V, VI)	\$5,090,043
Total for Non-State Supported Facilities (Cat. IV)	\$2,418,481
Combined Total State / Non-State Supported Facilities	\$7,508,254

C. Implementation

Since UMES currently achieves programmatic accessibility through structural and non-structural methods, there are no physical barriers to program access at this time. Since there are no physical barriers required to be removed, there is not a detailed summary of or schedule for the removal of aforementioned barriers.

The University is dedicated to enhancing program access and has prioritized State-Supported enhancement opportunities by Facility Category listed below:

1. Academic Facilities
2. Administrative Facilities
3. Library Facilities
4. Non-Academic Facilities
5. Agricultural Facilities (None identified)

UMES will evaluate on a yearly basis and may update specific priorities as needed to accommodate specific circumstances.

Construction project packages for the improvement of access of State-Supported facilities will be evaluated by the University annually and submitted through the Access Maryland Program as administered by the Maryland Department of Disabilities. The Non-State Supported Auxiliary Facilities will have funding provided by their respective benefactors independently. There is no timeline for these enhancements as their completion is significantly predicated on the availability of funding. As projects are completed, the list of enhancements will be updated to provide an accurate account of progress and to assist in the planning of future projects.

D. Official Responsible for Implementation of the Plan

The University of Maryland Eastern Shore has assigned Maurice C Ngwaba, Ph.D. the responsibility of ensuring that the University is in compliance with ADA legislation and all other local, State and federal laws regarding similar statutes. Dr. Maurice currently holds the position of Assistant to the Vice President of Administrative Affairs. This position description includes performing the duties associated with the implementation of the Transition Plan, monitoring the University's efforts regarding the aforementioned legislation and acting as the institution's primary contact with applicable local, State and federal agencies.

IV. Organizational Structure for Monitoring Disability Issues

UMES makes informed decisions regarding their facilities and program access through a collaborative effort between the Office of Administrative Affairs (OAA) and the Office of Services for Students with Disabilities (OSSD). The OSSD serves as the link between the facility users students, staff, and faculty and the OAA who is responsible for the construction and maintenance of the facilities.

A. The Office of Services for Student with Disabilities (OSSD)

1. Philosophy

The OSSD assures the commitment of the University of Maryland Eastern Shore to provide access and equal opportunity to the students with disabilities that are admitted to the University. Although there is no special curriculum for students with disabilities, OSSD is designated to assist students in maximizing the academic potential.

2. The Office

OSSD maintains a comprehensive support network for students with disabilities. The office provides consultation with University staff, faculty, administrators and student body to increase awareness of the needs of students with disabilities and to eliminate accessibility barriers. The OSSD focus is on supporting the positive development of students with disabilities

3. Services Available

a. General list of services available to all students with disabilities

- i. Orientation to the University
- ii. Reader Services
- iii. Advocacy & Guidance
- iv. Classroom Accommodations
- v. Faculty & Staff Liaison
- vi. Community Agency Liaison
- vii. Tutoring (individual and group)
- viii. Interpreter
- ix. Notetaker
- x. Test Proctoring
- xi. Resource Files

b. Services for Students with Visual Impairment / Blindness

- i. Orientation & Mobility Assistance
- ii. Recorded Text
- iii. Adapted Materials

- c. Services to Students with Hearing Impairments / Deafness
 - i. Interpreter
 - ii. Notetaker
 - iii. Telephone Service for the Deaf and Hearing Impaired (TDD)

 - d. Services to Students with a Learning Disability (LD)
 - i. Tape Recorders
 - ii. Test Proctoring
 - iii. Recorded Materials
 - iv. Recorded Text
 - v. Notetaker
 - vi. Learning Disability Support Group

 - e. Services to Students with Orthopedic Disabilities
 - i. Information about Wheelchair Repair and Other Maintenance Procedures
 - ii. Coordination of On-campus Transportation
 - iii. Orientation Assistance
 - iv. Adapted Materials

 - f. Services to Students with Psychological Disabilities
 - i. Advocacy
 - ii. Facilitating Communication Between Faculty, Staff and Students with Disabilities
 - iii. Personal Counseling
 - iv. Career Guidance Referral
4. Contact
Dr. Dorling K. Joseph, Coordinator
phone: 410.651.6463
email: Djoseph@umes.edu

WORKS CITED

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