United States Government Accountability Office

Report to Congressional Requesters

June 2020

K-12 EDUCATION

School Districts Need Better Information to Help Improve Access for People with Disabilities

GAO-20-448

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School Districts Need Better Information to Help Improve Access for People with Disabilities

GAO Highlights

Highlights of GAO-20-448, a report to congressional requesters

Why GAO Did This Study

National reports have raised concerns about the physical accessibility of public school facilities for people with disabilities. These facilities serve important roles as schools, voting locations, and emergency shelters, among other things. GAO was asked to examine the physical accessibility of public school facilities.

This report examines the extent to which (1) school districts have school facilities with physical barriers that may limit access for people with disabilities, (2) districts plan to improve the accessibility of school facilities and the challenges they face, and (3) Justice and Education assist districts and states in improving school facilities' physical accessibility.

GAO conducted a nationally representative survey of school districts; surveyed states and the District of Columbia; examined 55 schools across six states, selected for variation in size and other characteristics; reviewed relevant federal laws, regulations, and guidance; and interviewed federal, state, and school district officials, and national disability groups.

What GAO Recommends

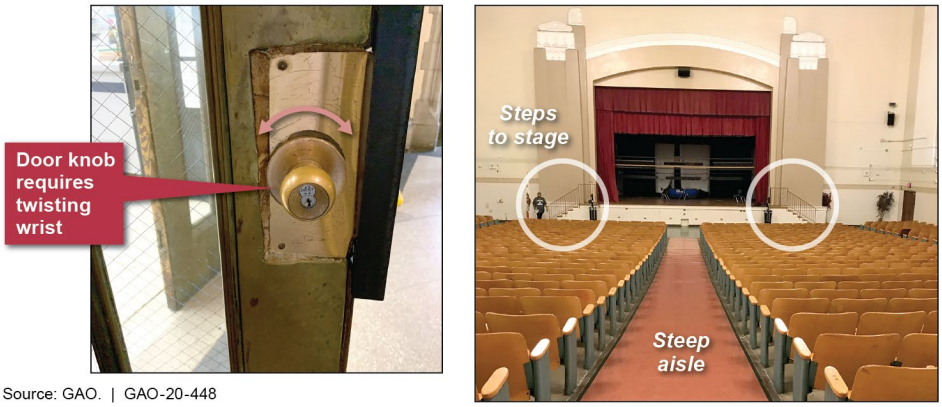
GAO recommends that Justice work with Education to (1) provide information specific to accessibility of public school facilities and (2) provide information on federal accessibility requirements in the context of public school safety and security. Justice neither agreed nor disagreed with GAO's recommendations.

View GAO-20-448. For more information, contact Jacqueline M. Nowicki at (617) 788-0580 or nowickij@gao.gov.

What GAO Found

Two-thirds of U.S. public school districts have schools with physical barriers that may limit access for people with disabilities, according to GAO's survey of district officials. Barriers, such as a lack of accessible door hardware and steep ramps, can make it challenging for students, teachers, and others with disabilities to use public school facilities (see fig.). In 55 schools across six states, the most common areas with barriers GAO observed were restrooms, interior doorways, and classrooms. GAO also observed barriers related to safety and security. For example, for security, some schools had installed double-door vestibules with limited maneuvering space that could trap people who use wheelchairs.

Examples of Doorway and Auditorium Barriers GAO Observed in Schools



Source: GAO. | GAO-20-448

Note: Barriers presented in this figure potentially limit physical access for people with disabilities, but taken alone, would not necessarily establish whether a legal violation has occurred.

An estimated 70 percent of districts had large-scale renovations, small-scale upgrades, or accessibility evaluations planned in the next 3 calendar years, but frequently cited funding constraints as a challenge to these efforts. Districts also identified the need to prioritize projects that keep buildings operational, such as roofing and heating projects. In addition, GAO's survey, observations during site visits, and interviews with national disability groups revealed a tension between making safety and security upgrades and improving physical accessibility.

The Department of Justice (Justice) has not provided technical assistance on physical accessibility in schools, and GAO's surveys indicate such help is needed. Justice has authority to provide information on interpreting the Americans with Disabilities Act of 1990 (ADA), including for public schools, and it has provided technical assistance regarding other public facilities, such as stadiums. In addition, Justice, along with the Department of Education (Education) and other federal agencies, recently launched a new website on school safety, but it does not include specific information on how to improve accessibility of public school facilities or provide information on ADA requirements in the context of school safety upgrades. Without such information, federal agencies may miss opportunities to help ensure that people with disabilities have safe and secure access to public school facilities.

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Abbreviations

ADA	Americans with Disabilities Act of 1990
CCD	Common Core of Data
DCI	data collection instrument
Education	U.S. Department of Education
FRPL	free or reduced-price lunch
HVAC	heating, ventilation, and air conditioning
Justice	U.S. Department of Justice
LEA	local education agency
NCES	National Center for Education Statistics
OMB	Office of Management and Budget
Section 504	Section 504 of the Rehabilitation Act of 1973
2010 Standards	2010 ADA Standards for Accessible Design

U.S. GOVERNMENT ACCOUNTABILITY OFFICE
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June 30, 2020

Congressional Requesters

People with disabilities have too often been excluded from participating in basic civic activities that can take place in school facilities—such as voting, seeking refuge at an emergency shelter, or simply attending a high school sporting event or parent-teacher conference—due to physical barriers that limit access.[1] School facilities are important sites for many of these community and civic activities, in addition to their central role in the education of over 50 million students each year.[2] The Centers for Disease Control and Prevention estimates that one in four adults in the United States, or 61 million people, has a disability.[3] People with disabilities often encounter multiple barriers, including physical barriers, which can make it extremely difficult or even impossible to participate in their communities. In 2015, New York City made national news after a U.S. Department of Justice (Justice) investigation found that the city's elementary schools were not "readily accessible to and usable by" people with disabilities, a population which includes not only students, but teachers and family members as well.[4] The results of this investigation raised broader concerns about the physical accessibility of public school facilities across the nation.

You asked us to examine the physical accessibility of K-12 public schools and the challenges school districts may face in improving access. This report examines the extent to which (1) school districts have school facilities with physical barriers that may limit access for people with disabilities; (2) school districts are planning to improve the physical accessibility of school facilities and the challenges, if any, they face; and

[1]See, Department of Justice, *ADA Update: A Primer for State and Local Governments* (June 2015).

[2]In school year 2015-16, public elementary and secondary schools enrolled 50.4 million students and employed about 6.1 million teachers, principals, and other staff. U.S. Department of Education, *Digest of Education Statistics* (2017).

[3]Centers for Disease Control and Prevention, National Center on Birth Defects and Developmental Disabilities, Division of Human Development and Disability. Disability and Health Data System (DHDS) Data, *https://dhds.cdc.gov,* accessed April 24, 2020.

[4]This investigation was based on New York City's own data and characterizations of its schools. Department of Justice, *Letter of Findings to New York City Department of Education on Accessibility of Public Schools* (New York, NY: Dec. 21, 2015).

(3) the Departments of Justice and Education (Education) assist school districts and states in improving physical accessibility and meeting relevant federal requirements in schools.

To address these objectives, we conducted a nationally representative survey of public school districts from August to October 2019. The response rate was 57 percent.[5] Estimates generated from these survey results are generalizable to the national population of public school districts.[6] This report also incorporates the results of a 2019 GAO survey of state educational agencies (or other units) knowledgeable about school facilities in all 50 states and the District of Columbia on the condition and physical accessibility of public school facilities. We received responses from 49 of 51 states, including the District of Columbia.[7] We also traveled to a total of 16 districts in California, Florida, Maryland, Michigan, New Mexico, and Rhode Island. We selected the 16 districts and six states based on a range of geographic and demographic features, including age of school buildings, poverty rates, population density (city, suburban, rural), and state funding for facilities. Within them, we toured a nongeneralizable sample of 55 schools to view and systematically document physical barriers that may limit access for people with disabilities in various school areas.[8]

This report focuses on barriers—which we define as structural or physical features that may impede access for people with disabilities—in school

[5]This is the unweighted response rate. The weighted response rate was 53 percent. Following best practices in survey research and echoed in Office of Management and Budget, *Standards and Guidelines for Statistical Surveys* (September 2006), we carried out a nonresponse bias analysis. Based on the nonresponse bias analysis and resulting nonresponse adjusted analysis weights, we determined that estimates using these weights are generalizable to the population of eligible school districts.

[6]Based on our sample design, nonresponse bias analysis, and adjustments, our results are generalizable. Unless otherwise noted, all estimates from this survey have a margin of error of plus or minus 10 percentage points or less, at the 95 percent confidence level. The percentage estimates of school districts with barriers are based on self-reported barriers by districts. We did not verify whether any school districts had barriers that may limit access for people with disabilities. For more information on our survey methodology, see appendix I.

[7]We did not receive responses from Illinois and Mississippi. For the purposes of this report, we have included the District of Columbia in our counts of states.

[8]Areas we observed within each school facility varied slightly. In some instances, schools did not have certain areas—such as parking spaces, gymnasiums, and playgrounds—or, at the time of our visit, parts of the school were closed for maintenance or renovation.

facilities.[9] We used the 2010 ADA Standards for Accessible Design (2010 Standards) to identify potential barriers that could limit access for a person with a disability. In practice, whether a particular barrier limits access depends on the application of the appropriate legal standard and the nature of an individual's disability. For example, the insufficient width of a door would not necessarily affect an individual who is blind or has limited vision, but it could prevent a person who uses a wheelchair from entering a school. School facilities may have additional barriers that we did not observe. We did not assess or evaluate whether states or school districts complied with relevant legal requirements.

In addition, we interviewed federal, state, district, and school officials and reviewed relevant federal laws, regulations, guidance, and technical assistance documents. We also interviewed officials from disability and facilities organizations. See appendix I for detailed information about our methodology.

We conducted this performance audit from October 2018 to June 2020 in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

Background

Physical Accessibility in K-12 Public School Facilities

Since 1977, school districts have been subject to the requirements of Section 504 of the Rehabilitation Act of 1973 (Section 504) which prohibits discrimination on the basis of disability by recipients of federal financial assistance. Similar to Section 504, Title II of the Americans with Disabilities Act of 1990 (ADA) prohibits discrimination against people with disabilities by public entities.[10] However, while Section 504 applies to entities that receive federal financial assistance, coverage under Title II of the ADA is not tied to the receipt of federal funds. The ADA requires that

[9]Barriers described in this report may indicate a lack of physical access, but taken alone, do not necessarily establish whether a legal violation has occurred.

[10]Pub. L. No. 101-336, 104 Stat. 327, codified at 42 U.S.C. § 12101 et seq. In this report, we are focusing on the requirements of the ADA, and thus unless otherwise specified, any accessibility requirements referred to in this report are references to requirements under the ADA.

people with disabilities are not excluded from or denied the benefits of a public entity's programs, services, and activities because its facilities are inaccessible to or unusable by people with disabilities.[11]

School districts are among the public entities covered by the ADA and are required to operate each program, service, or activity, so that when viewed in its entirety, it is accessible to people with disabilities.[12] However, not all public school facilities must necessarily be made completely physically accessible. Under Justice regulations, public entities are provided latitude in how to ensure that their programs, services, and activities are accessible to people with disabilities. Districts are not required to do anything to their existing facilities that would result in a fundamental alteration to the nature of a program, service, or activity, or cause undue financial or administrative burdens, or threaten or destroy the historical significance of a certain property. For example, districts are not necessarily required to make structural changes in existing facilities where other methods are effective in achieving access for people with disabilities, such as redesign or acquisition of equipment or technology, or relocation of programs and services to those areas of facilities that are accessible.[13] Under Justice regulations, when choosing among available methods, districts must give priority to those methods that offer programs, services, or activities in the most integrated setting appropriate.[14]

Thus, while a school district may have flexibility in how it meets ADA obligations, it still must achieve accessibility. It may make structural changes or alterations to buildings or facilities[15] or, under certain circumstances, provide the program, service, or activity using an

[11]28 C.F.R. § 35.149.

[12]28 C.F.R. § 35.150(a).

[13]28 C.F.R. § 35.150(b).

[14]We did not assess school district or school strategies for providing program, service, or activity access to people with disabilities.

[15]Structural changes, or alterations, to public school facilities must adhere to the 2010 Standards to the maximum extent feasible (i.e., has little likelihood of being accomplished because of the effect on essential portions of the structural frame). The 2010 Standards define an alteration as a change to a building or facility that affects or could affect the usability of the building or facility or its parts. Alterations include, but are not limited to, remodeling, renovation, rehabilitation and reconstruction. Under the 2010 Standards, normal maintenance, reroofing, painting, wallpapering, or other changes that do not affect the usability of a facility are not considered alterations.

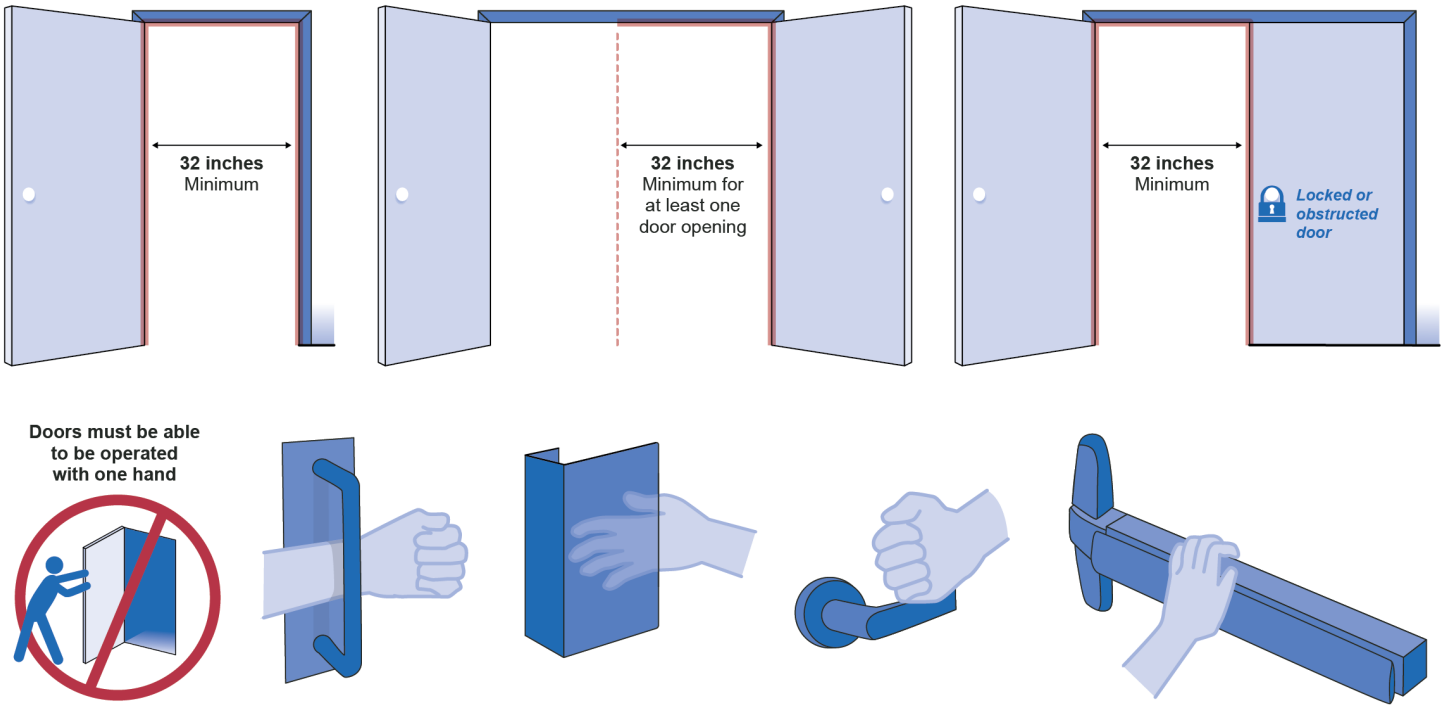
alternative method.[16] For example, if an existing public school with no elevator has a library on the second floor, the school can make a selection of books available on an accessible floor of the building for a student who uses a wheelchair.

The ADA Standards for Accessible Design were first published in 1991 and were most recently updated in 2010. The 2010 Standards set minimum accessibility requirements for new buildings and alterations to existing facilities, including school buildings.[17] The 2010 Standards also set scoping requirements—such as the number of required elements (for example, accessible parking spaces)—and technical requirements—such as specific height and measurement obligations. Examples of technical requirements in the 2010 Standards include: signs with braille or raised characters, doorways that provide a minimum of 32 inches clear width, and accessible door hardware that is operable with one hand and does not require tight grasping, pinching, or twisting of the wrist (see fig. 1).

[16]See 28 C.F.R. § 35.151(c)(5)(ii) related to certain noncomplying construction and alterations.

[17]The applicable ADA standards depend on the date of construction or alteration of the school building. See 28 C.F.R. § 35.151(c) for details about the different standards that apply to different construction/alteration dates. While our work for this report was informed by the 2010 Standards, our work did not encompass the entirety of the 2010 Standards. The 2010 Standards can be accessed at https://www.ada.gov/regs2010/2010ADAStandards/2010ADAstandards.htm

Figure 1: Examples of the 2010 ADA Standards for Accessible Design



Source: GAO analysis of 2010 ADA Standards for Accessible Design. | GAO-20-448

Role of Federal Agencies

Justice and Education share compliance responsibilities for public schools' physical accessibility under the ADA. Justice officials noted that Justice has regulatory, technical assistance, and coordination obligations with respect to Title II of the ADA and Section 504 generally,[18] and that with regard to public K-12 educational facilities, the agency has delegated administrative enforcement under the ADA to Education. Additionally, under Section 504, Education also has enforcement, as well as regulatory authority for K-12 facilities to which it provides federal financial assistance.

In addition, other federally funded entities operate hotlines for ADA questions or provide non-regulatory guidance, technical assistance materials, information, and online training. For example, the U.S. Access Board is a federal agency that promotes equality for people with

[18]Justice operates a federal website for information and materials on the ADA, located at www.ada.gov.

disabilities by providing technical assistance, trainings, and guidelines. The ADA National Network, consisting of 10 regional centers and an ADA Knowledge Translation Center, provides an information hotline, technical assistance documents, and online webinars.[19]

Most School Districts Have Schools with Barriers That May Limit Access for People with Disabilities

At a Glance: Barriers in School Facilities

- Based on our national survey, about two-thirds of school districts identified barriers that may limit access for people with disabilities in a quarter or more of their school facilities.
- We identified barriers that may limit access for people with disabilities in all of the 55 schools we visited.
- During our school visits, we most frequently identified barriers related to main offices and security check-in areas, restrooms, doorways, and playgrounds.

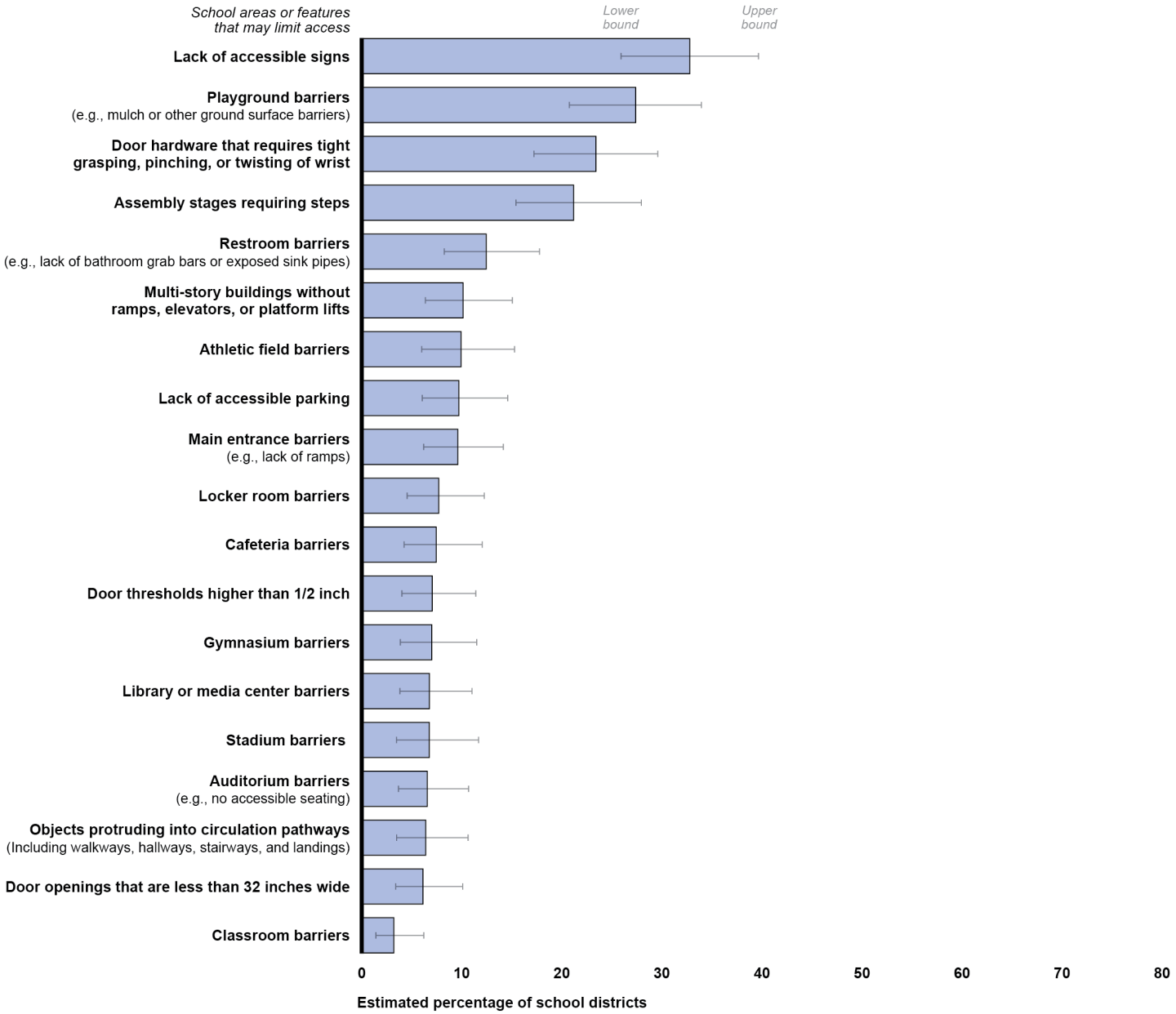
Most School Districts Have Barriers in School Facilities, and Districts Commonly Identified a Lack of Accessible Signs, Doorways, and Playgrounds

According to our national survey, an estimated 63 percent of school districts have barriers that may limit access for people with disabilities in a quarter or more of their school facilities.[20] Additionally, we estimated that 17 percent of districts nationwide—enrolling over 16 million students—have one or more schools that are not typically attended by students with physical disabilities due to the number of barriers. Districts most commonly identified the following barriers in a quarter or more of their schools: lack of accessible route signs (33 percent), doorways that were difficult to access (28 percent), and playgrounds without stable ground surfaces (27 percent). Figure 2 provides more details on commonly identified barriers.

[19]The ADA National Network is funded by the Department of Health and Human Services' National Institute on Disability, Independent Living, and Rehabilitation Research.

[20]Unless otherwise noted, all estimates from this survey have a margin of error of plus or minus 10 percentage points or less, at the 95 percent confidence level. The percentage estimates of school districts with barriers are based on district-reported information. We did not independently verify the information districts provided or assess or evaluate whether states or districts complied with relevant legal requirements.

Figure 2: Types of Barriers School Districts Identified in a Quarter or More of Their Schools



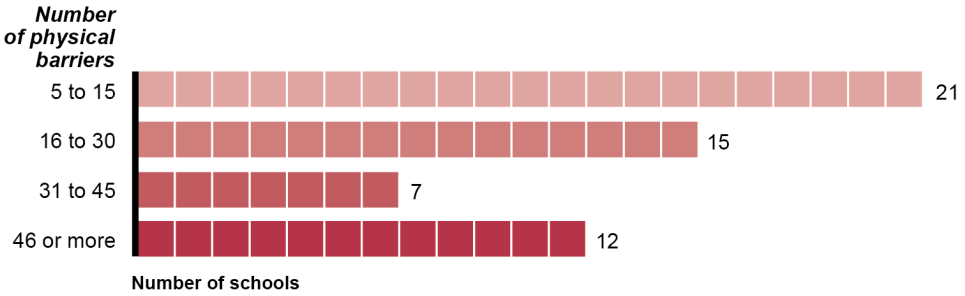
Source: GAO survey of school districts. | GAO-20-448

Note: GAO administered the survey from August to October 2019. The thin bars display the 95 percent confidence interval for each estimate. In this report, GAO defines barriers as structural or physical features that have the potential to limit access for a person with disabilities. Barriers presented in this figure may indicate a lack of physical access, but taken alone, would not necessarily establish whether a legal violation has occurred.

All Schools We Visited Had Multiple Barriers in the Entrance, Interior, and Recreational Areas

All 55 schools we visited—regardless of the age or condition of the school facility—had multiple barriers that may limit access for people with disabilities (see fig. 3).[21] Schools where we observed the most barriers were over 25 years old and, according to school district and disability rights officials, also had broader challenges related to the condition of the facilities.[22] For example, nearly all district officials we interviewed noted that keeping their school facilities warm, dry, and safe are among their highest priorities.

Figure 3: All Schools GAO Visited Had Five or More Barriers



Source: GAO analysis of school facilities. | GAO-20-448

Note: In this report, GAO defines barriers as structural or physical features that have the potential to limit access for a person with disabilities. Barriers reflected in this figure may indicate a lack of physical access, but taken alone, do not necessarily establish whether a legal violation has occurred.

Throughout the 55 public schools we visited across six states, we observed areas of the school including:

- **Entrance areas.** These include parking spaces, paths to the school entrance, main entrances, and main offices/security check-in areas.

[21]We visited 55 selected public schools (including 5 charter schools) that varied in age, condition, population density (city, suburban, and rural), and poverty-level. Information we gathered from these visits, while not generalizable, represents the conditions present in the schools we visited at the time of our visits and provide illustrative examples of themes that emerged from our generalizable school district survey. For more information on our site visits and school district survey, see appendix I.

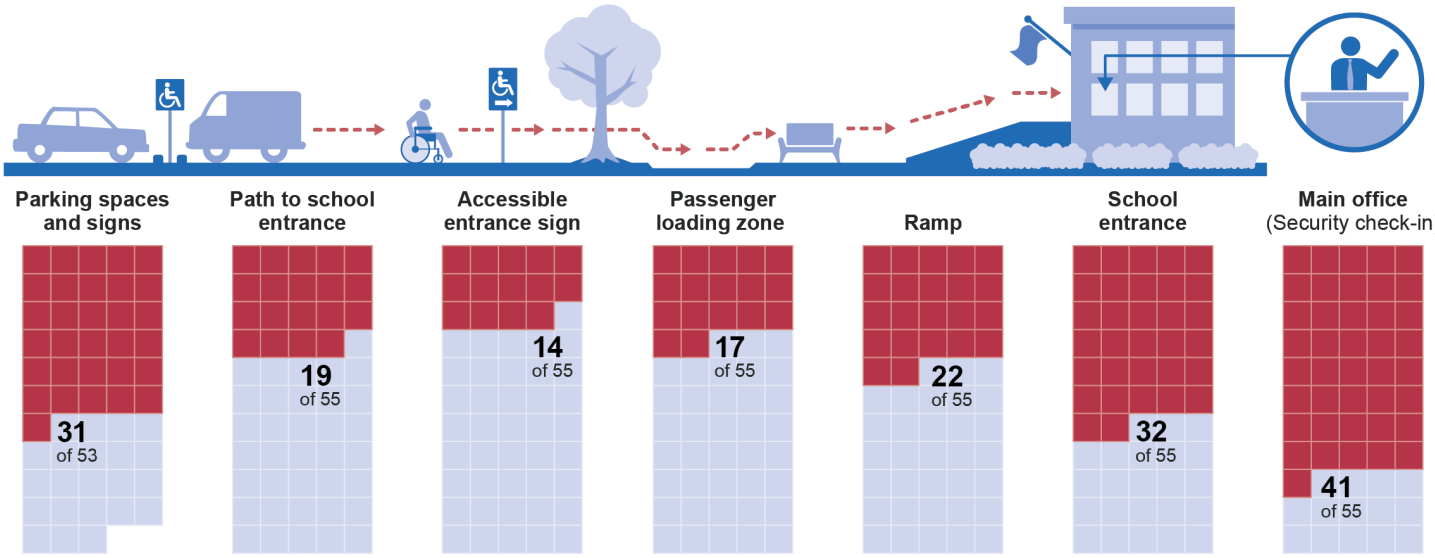
[22]For GAO work related to the condition of school facilities, see: GAO, *K-12 Education: School Districts Frequently Identified Multiple Building Systems Needing Updates or Replacement*, GAO-20-494 (Washington, D.C.: June 4, 2020).

- **Interior areas.** These include restrooms, doorways, academic areas (classrooms, science labs, and libraries or media centers), cafeterias, auditoriums, gymnasiums, and elevators/platform lifts.
- **Recreational areas.** These include stadiums or athletic fields and playgrounds.

Barriers in Entrance Areas

Nearly all schools we visited had some type of barrier to entering the school facility (see fig. 4). The most prevalent barriers we observed were found in parking lots, school entrances, and the main office or security check-in.

Figure 4: Number of Schools GAO Visited with One or More Barriers in Entrance Areas



Source: GAO analysis of school facilities. | GAO-20-448

Note: GAO did not observe parking spaces at two of the 55 schools. In this report, GAO defines barriers as structural or physical features that have the potential to limit access for a person with disabilities. Barriers reflected in this figure may indicate a lack of physical access, but taken alone, do not necessarily establish whether a legal violation has occurred.

Parking Spaces and Signs

School District Official on Ground Surfaces

"The amount of failing pavement through[out] the district is significant. It has been repaired, but the repairs are a temporary remedy and what is needed now is full replacement."

Source: GAO survey of school districts. | GAO-20-448

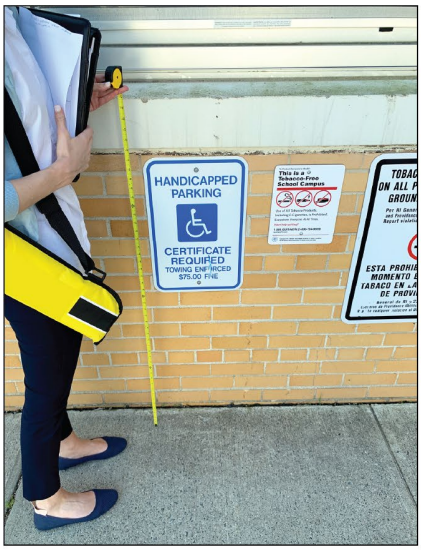
At a majority of schools we visited (31 of 53), we observed one or more barriers in parking lots that could impede a person with a disability's ability to enter the school.[23] For example, within parking lots, we commonly observed missing or visually obstructed accessible parking signs and a lack of van accessible spaces.[24] Accessible parking signs help people with disabilities find accessible spaces, and are intended to prevent those without disabilities from using those spaces. Additional examples of barriers we observed included steep or uneven ramps and uneven ground surfaces.[25] Abrupt changes to the ground's surface can pose a tripping hazard, and large cracks or openings wider than half an inch can catch the tips of crutches, canes, or wheelchair wheels and cause a person to fall. Both Justice and Education officials noted that school parking lots and passenger loading zones are commonly reported problem areas. For example, Justice has received complaints of schools using accessible parking spots for passenger loading, creating parking barriers for people with disabilities. Education also noted that the proximity of accessible loading areas to the school entrance may limit access for people with disabilities. We also observed schools without directional signs indicating the school's main accessible entrance. Directional signs help people with disabilities avoid having to backtrack and minimize unnecessary physical challenges to reach an entrance. See figure 5 for examples of barriers we observed.

[23]We did not observe parking spaces at two of the 55 schools we visited.

[24]Van accessible spaces need additional room to deploy a lift. According to the 2010 Standards, for every six parking spaces, at least one should be a van parking space. Additionally, accessible parking space signs should be at least 60 inches above the ground surface measured to the bottom of the sign.

[25]According to the 2010 Standards, a ramp cannot have pavement gaps greater than ½ inch or surface changes in level over ½ inch in height other than the cross slope and running slope. Additionally, a ramp cannot have a cross slope greater than 1:48 (2.08 percent, for the purposes of this report, we rounded to 2.1 percent) or a running slope greater than 1:12 (8.33 percent, for the purposes of this report, we rounded to 8.3 percent).

Figure 5: Examples of Barriers GAO Observed in School Entrance Areas



Accessible parking sign mounted too low (below 60 inches in height).

Uneven sidewalk surface with large holes found on path to school's main entrance.

Main entrance is not accessible and school lacked signs directing people to an accessible entrance.

Source: GAO. | GAO-20-448

Note: In this report, GAO defines barriers as structural or physical features that have the potential to limit access for a person with disabilities. Barriers presented in this figure may indicate a lack of physical access, but taken alone, do not necessarily establish whether a legal violation has occurred.

School Entrance and Main Offices Areas

A majority of schools we visited had at least one barrier in their school entrance areas (32 of 55) and main offices (41 of 55), including security check-in areas. For example, in school entrance areas, we observed schools with inaccessible ramps—such as uneven surfaces and steep inclines. In main office and security check-in areas, we observed objects, such as fire extinguishers and drinking fountains, which protruded into the circulation path.

Some schools have taken steps to increase safety and security, for example, by installing heavy, security doors. These actions, while improving the security of schools, may create accessibility challenges. For example, we observed a number of barriers in schools' security and visitor check-in areas in schools we visited. Specifically, in seven schools, we observed exterior buttons used to automatically open doors that were not operable. In four of those schools, officials deactivated the automatic door opener to better monitor visitors during school hours. We also

identified multiple security vestibules—rooms that allow school officials to control and document who enters a school—that lacked sufficient maneuvering space for wheelchair users.

School District Official on Entrance Doors

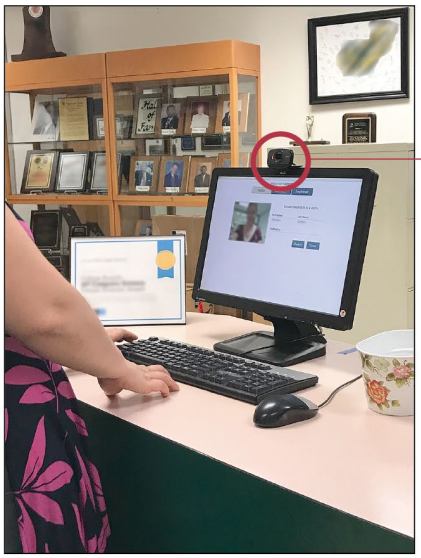
"Due to the locking mechanism on the exterior doors, the [accessible] … automatic open does not work. The interior doors have automatic open that works 50 percent of the time."

Source: GAO survey of school districts. | GAO-20-448

Additionally, within security vestibules, we observed heavy interior doors requiring more than 5 pounds of force to open, inconsistent with the 2010 Standards.[26] Heavy interior doors can be challenging or impossible to open for people with certain disabilities, such as people with limited upper body strength or difficulty using their hands. In seven of the schools we visited, within the main office where visitors must sign in or register through an electronic system, we observed counter heights that may be too high for people with certain disabilities to reach, such as those who use a wheelchair (see fig. 6). Under the 2010 Standards, a portion of a service counter must be no higher than 36 inches.

Figure 6: Examples of Barriers GAO Observed in School Main Offices

High counter in main office security vestibule.



Main office electronic security check in station placed on a high counter.

Source: GAO. | GAO-20-448

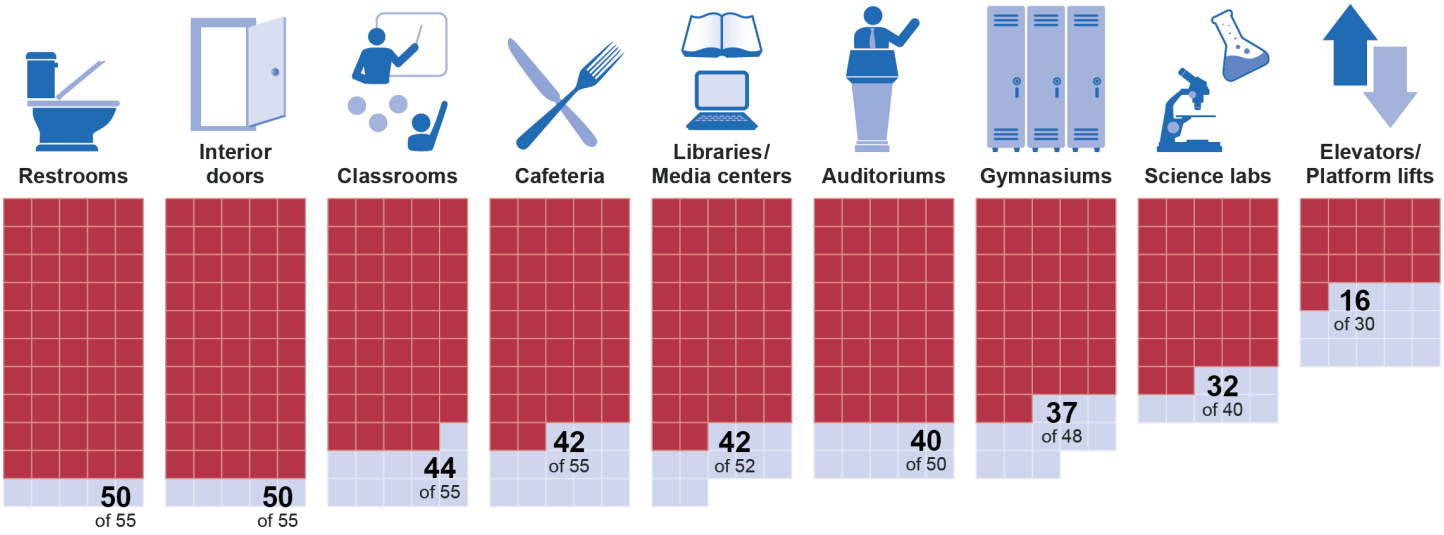
Note: In this report, GAO defines barriers as structural or physical features that have the potential to limit access for a person with disabilities. Barriers presented in this figure may indicate a lack of physical access, but taken alone, do not necessarily establish whether a legal violation has occurred.

[26]We did not review schools or school districts for compliance with the 2010 Standards. The applicability of the 2010 Standards is dependent on the date the building was constructed and any alterations after January 26, 1992. Thus, instances in which we saw individual features that were inconsistent with the 2010 Standards do not necessarily mean there was a legal violation.

Barriers in Interior Areas

All 55 schools we visited had three or more barriers inside their facilities. Figure 7 provides more detail on the areas and features we examined and the number of schools with barriers.

Figure 7: Number of Schools GAO Visited with Three or More Barriers in Interior Areas



Source: GAO analysis of school facilities. | GAO-20-448

Note: Not all schools we visited had libraries/media centers, auditoriums, gymnasiums, science labs, or elevators/platform lifts. In this report, GAO defines barriers as structural or physical features that have the potential to limit access for a person with disabilities. Barriers reflected in this figure may indicate a lack of physical access, but taken alone, do not necessarily establish whether a legal violation has occurred.

Restroom Areas

School District Official on Restrooms

"[It's] the schools from the1920s [to] 1960s where door widths and restrooms require major renovation to meet…accessibility [requirements]."

Source: GAO survey of school districts. | GAO-20-448

Nearly all schools we visited (50 of 55) had barriers in restrooms. For example, most of the 105 restrooms we observed (female, male, and gender neutral), including those with accessible stalls, had at least one barrier that could limit access for people with disabilities. Twenty-two schools we visited did not have signs with braille or raised characters indicating the accessible restrooms. We observed restrooms with sinks with exposed pipes that could pose a burn risk to wheelchair users, or fixtures—soap dispensers, hand dryers, or toilet paper dispensers—too high to be reached by a person using a wheelchair.[27] Officials from disability rights organizations said that restroom barriers, even in

[27]According to Justice officials, under the 2010 Standards, exposed drain and water pipes must be insulated or configured to protect against contact in at least one restroom sink.

restrooms designated as accessible, are a common challenge for people with disabilities. School district officials noted that retrofitting restrooms to eliminate all barriers can be cost prohibitive. See figure 8 for examples of restroom barriers.

Figure 8: Examples of Barriers GAO Observed in School Restrooms

Sinks in accessible restroom have exposed pipes. Without a barrier or insulation, hot pipes could burn wheelchair users.

Toilet paper dispenser is placed at a high reach point.

Restroom sign located too high, located on the door, and lacks raised characters or braille. Door hardware also requires pinching or grasping to open.

Source: GAO. | GAO-20-448

Note: In this report, GAO defines barriers as structural or physical features that have the potential to limit access for a person with disabilities. Barriers presented in this figure may indicate a lack of physical access, but taken alone, do not necessarily establish whether a legal violation has occurred.

Interior Doorways

Nearly all schools (50 of 55) we visited had doorway-related barriers, including heavy interior doors, door hardware that could be difficult to use, and signs lacking braille or raised characters. For example, of those schools, 45 had at least one interior door that required more than 5 pounds of force to open.[28] Most such doors we observed required between 10 and 20 pounds of force—two to four times the maximum allowed under the 2010 Standards. In 20 schools we visited, we observed at least one door with hardware that required tight grasping, pinching, or

[28]According to the 2010 Standards, other than fire doors, an interior door cannot require more than 5 pounds of force to open. Justice noted that fire doors should have a label, and we did not examine interior doors labeled as fire doors. However, in older buildings, it is possible that a fire door label may be painted over or missing.

twisting of the wrist, also inconsistent with 2010 Standards. In 23 schools, we identified doorways to classrooms, restrooms, and other spaces that were too narrow—less than 32 inches wide—for people in wheelchairs to use. Additionally, we observed instances of a lack of signs with braille and raised characters throughout 30 schools. See figure 9 for examples of doorway barriers.

Figure 9: Examples of Barriers GAO Observed Related to School Doorways

Door knob requires twisting wrist.

Sign located too high, located on door, and lacks raised characters or braille.

Narrow doorway.

Source: GAO. | GAO-20-448

Note: In this report, GAO defines barriers as structural or physical features that have the potential to limit access for a person with disabilities. Barriers presented in this figure may indicate a lack of physical access, but taken alone, do not necessarily establish whether a legal violation has occurred.

Academic Areas

Nearly all schools we visited had at least one barrier in their academic spaces—which included classrooms (44 of 55), libraries or media centers (42 of 52), and science labs (32 of 40).[29] For example, academic spaces had narrow pathways (space between desks or bookshelves), and sinks, laboratory equipment, and counters that were generally too high for

[29]We did not observe libraries or media centers and science labs at all schools because they were either unavailable or did not exist.

someone in a wheelchair to use (see textbox). Some school district officials and school staff told us that they bring in equipment if needed to accommodate a student with disabilities. For example, school staff from one large district in California told us they incorporate an adjustable desk in a science lab for a student who uses a wheelchair.

Spotlight: Examples of Temporary Barriers GAO Observed in Schools

Throughout our school visits, we observed a number of barriers that appeared to be temporary. For example, we identified multiple doorways that were narrowed due to items—such as water containers or trashcans—blocking the pathway. We also observed multiple libraries and classrooms where access aisles and pathways were narrow—less than 36 inches wide—due to furniture placement. According to Justice, placing objects (even temporarily) that block accessible features and elements of facilities can create accessibility problems. Temporary barriers can narrow pathways and create obstacles for people with disabilities in core areas of schools. According to disability advocates, these types of barriers demonstrate the importance of school and maintenance staff being mindful about physical accessibility.

Examples of Temporary Barriers with Narrow Pathway and Access Aisles at Schools GAO Observed

Propped-open doorway narrowed by a water bottle.

Narrow aisles between movable library furniture.

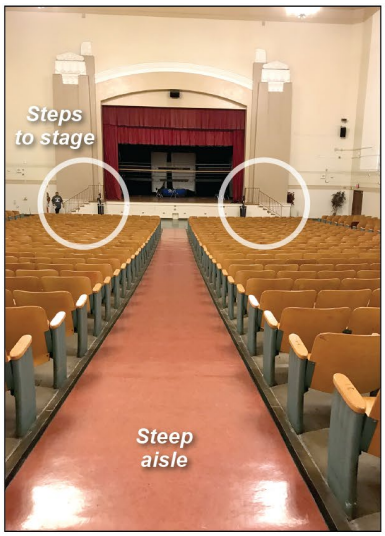
Source: GAO. | GAO-20-448

Note: In this report, GAO defines barriers as structural or physical features that have the potential to limit access for a person with disabilities. Barriers presented in this figure may indicate a lack of physical access, but taken alone, do not necessarily establish whether a legal violation has occurred.

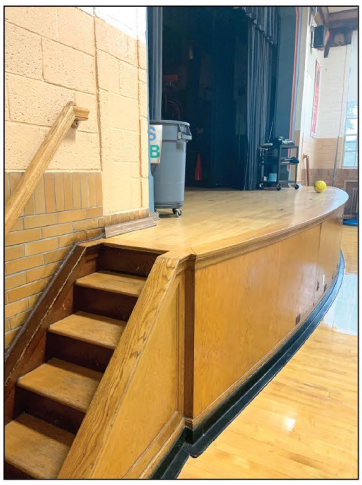
Auditoriums

Most schools with auditoriums we visited (40 of 50) had at least one barrier in this area. Auditoriums are used for graduation and award ceremonies, plays and musical events, and, in some rural schools we visited, community-led services such as food pantries. Of those schools, 26 had barriers along auditorium entrance paths—for example, steep ramps or no ramps to their auditorium entrances—that could limit access for people who use wheelchairs and others with limited mobility. Additionally, auditoriums in seven schools we visited did not have wheelchair spaces in the audience area—inconsistent with the 2010 Standards. We observed wheelchair accessible spaces that would not allow a person in a wheelchair to be seated next to other participants without obstructing walkways and were not integrated into the fixed seating plan. We also observed auditoriums that did not have ramps or platform lifts to get onto the auditorium stage. In some cases, auditoriums had platform lifts, but they were inoperable or could not be operated independently. District officials and school staff from a city and suburban district we interviewed said they have received complaints about auditorium barriers preventing students, parents, and grandparents with disabilities from attending events. District officials from one large district in California said they try to address barriers by building temporary ramps or moving the event to an accessible space. See figure 10 for examples of auditorium barriers.

Figure 10: Example of Barriers GAO Observed in School Auditoriums



School auditorium with steep aisle and steps with no lift or ramp to stage.



Steps to access the stage area with no lift or ramp.

Auditorium with temporary barriers placed in designated accessible seating area.

Source: GAO. | GAO-20-448

Note: In this report, GAO defines barriers as structural or physical features that have the potential to limit access for a person with disabilities. Barriers presented in this figure may indicate a lack of physical access, but taken alone, do not necessarily establish whether a legal violation has occurred.

Barriers in Recreational Areas

Nearly all recreational areas—stadiums or athletic fields and playgrounds—we observed (33 of 39) had at least one barrier that could limit access for people with disabilities.[30] Of the 21 stadiums or athletic fields we examined, 11 had ramps with uneven surfaces or that were too steep, inconsistent with the 2010 Standards. As with auditoriums, school district officials said that stadiums are often used for graduation ceremonies. Officials from disability organizations and one suburban district said that they have received complaints about barriers preventing access for people with disabilities to graduation ceremonies. Officials from this district reported that they would retrofit stadium seating to make it more accessible to people with disabilities.

[30]Not all schools we visited had stadiums or athletic fields and playgrounds.

School District Officials on Playgrounds

"Regarding outdoor spaces, not all access routes are improved surfaces, so accessibility may be limited."

Source: GAO survey of school districts. | GAO-20-448

Of the 21 school playgrounds we observed, 17 had at least one barrier. For example, 12 playgrounds we observed had unstable ground surface materials, such as mulch or grass (see fig. 11). Rolling over soft, loose surfaces such as sand, gravel, or mulch can be difficult for wheelchair users. People who use powered wheelchairs or scooters may also have difficulty on these surfaces because extra force is required to travel across them. Officials in some districts we visited described challenges, including cost, to update playgrounds with accessible play equipment.[31] Officials from national organizations noted that barriers in recreational areas, and even some playgrounds that they said meet 2010 Standards, result in limited opportunities for people with disabilities to participate in healthy educational and social activities.

Figure 11: Example of Barriers GAO Observed at School Playgrounds

Examples of playgrounds surrounded by unstable ground surfaces (left, mulch; right, grass) and borders around play areas.

Source: GAO. | GAO-20-448

Note: In this report, GAO defines barriers as structural or physical features that have the potential to limit access for a person with disabilities. Barriers presented in this figure may indicate a lack of physical access, but taken alone, do not necessarily establish whether a legal violation has occurred.

[31]Specific accessible or adaptive playground equipment is not a requirement of the 2010 Standards, though swings, slides, and transfer platforms must be located at specific heights for entry and exit, according to Justice.

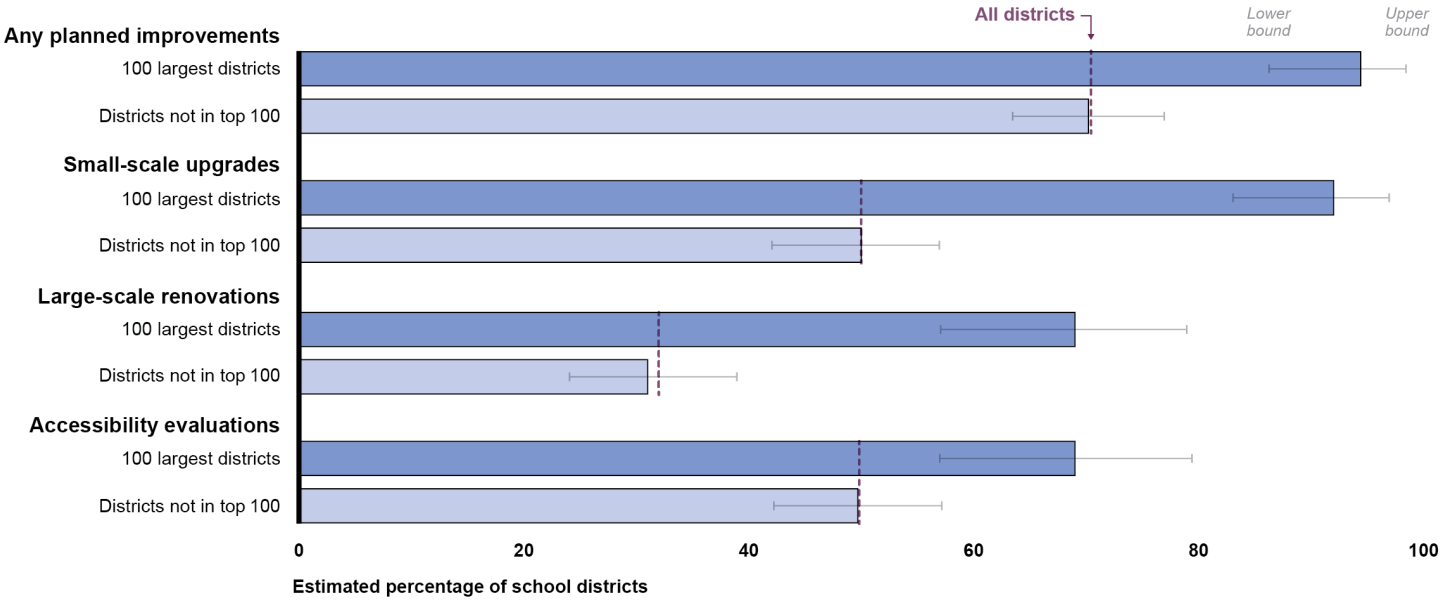
A Majority of School Districts Nationwide Plan to Improve Physical Accessibility of Schools in the Next 3 Years, Despite Funding Challenges and Competing Priorities

Most Districts Have Plans to Improve Accessibility in Schools, Often as Part of Larger Capital Projects

Based on our survey, we estimate that 70 percent of school districts have some plans to improve the physical accessibility of their school facilities in the next 3 calendar years. These plans include large-scale renovations or, more commonly, small-scale upgrades or conducting accessibility evaluations.[32] The largest 100 districts (with the highest student enrollment) were more likely than smaller districts to plan large-scale renovations—an estimated 69 percent compared with 31 percent. With regard to small-scale accessibility upgrades—for example, changes to door hardware and signs—we estimate that 50 percent of districts overall have plans for these improvements, including 92 percent of the largest 100 districts. In addition, as part of plans to improve accessibility, an estimated 69 percent of the largest 100 districts have plans to conduct accessibility evaluations, either using district staff or contractors or an outside organization, while an estimated 50 percent of smaller districts have these plans (see fig. 12).

[32]Our survey asked districts about improvements planned within 3 years related to accessibility. We did not assess or evaluate whether states or school districts complied with relevant legal requirements with respect to their existing, newly constructed, or altered buildings or facilities.

Figure 12: School District Plans to Make Physical Accessibility Improvements within 3 Years



Source: GAO survey of public school districts. | GAO-20-448

Note: GAO administered the survey from August to October 2019. The thin bars display the 95 percent confidence interval for each estimate.

In the past decade, most school districts evaluated physical accessibility as part of broader facilities condition assessments.[33] According to our national survey, an estimated 71 percent of districts nationwide evaluated the physical accessibility of their school facilities within the last 10 calendar years (2009-2019).[34] Of these districts, over three-quarters (78 percent) evaluated the physical accessibility of their school facilities as

[33]A facilities condition assessment is a systematic inspection of facilities using a standardized method for recording observations. According to building management industry practices, this process may include walking through a building, recording the condition of building systems and features, and identifying deficiencies.

[34]Almost two-thirds of districts that did not conduct a facilities assessment indicated that funding was unavailable to do so. Rather than using district or school staff to conduct such assessments, districts often use contractors or professional firms with facilities expertise, which can be costly.

part of a broader condition assessment. The other 22 percent of school districts conducted dedicated evaluations of physical accessibility.[35]

School district officials we spoke with said they often improve physical accessibility as part of their broader capital improvement projects (renovation or new construction).[36] For example, officials from a large, urban district we visited said that they had identified a number of barriers to physical accessibility in their school facilities—such as multi-level schools without elevators or ramps—and they intended to address these barriers as part of large-scale renovations they had planned over the next 5 calendar years. Officials from a smaller urban district told us they quickly installed ramps and a platform lift at a high school in order to accommodate a prominent speaker, but that accessibility would be fully addressed when the school is renovated in the next decade.

Some school district officials told us about planned projects dedicated to improving physical accessibility. For example, officials from a district in Florida said they are working toward addressing accessibility by addressing barriers to graduation stages, retrofitting classroom doors, and retrofitting stadium seating. Officials from a California district told us they have a dedicated program for minor corrections that can be accomplished quickly, such as putting a ramp over a curb. This program was designed so people with disabilities do not have to wait for large-scale improvements to have their immediate needs met. Several districts we visited had designed schools with spaces encompassing the principles of universal design; these spaces are designed to benefit all students and staff while enhancing inclusiveness for people with disabilities (see textbox).[37]

[35]In 1991, the ADA regulations required public entities, including school districts, to conduct self-evaluations of their services, programs, and activities, and to create transition plans if structural changes were required.

[36]Such projects might include accessibility improvements because the ADA generally requires newly altered or renovated spaces that affect or could affect usability of a facility or part to adhere to the 2010 Standards.

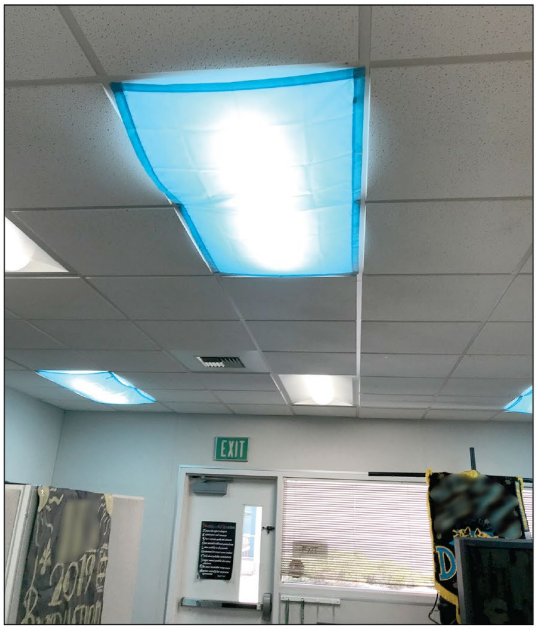
[37]According the Center for Universal Design, universal design refers to the design of products and environments—physical spaces—to be usable by all people, to the greatest extent possible, without the need for adaptation or specialized design. Automatic doors are an example of universal design.

Spotlight: Sensory-Related School Features

Officials in the districts we visited noted that the number of students identified as having sensory processing disabilities, which can include students with autism and attention-related difficulties, is increasing. According to district and school staff, students with sensory processing disabilities may benefit from modifications to school facilities, including changes to lighting and acoustics, which are not explicitly included in the 2010 Standards. Facilities officials said that some students with sensory processing or visual disabilities request that light shields be placed over fluorescent lighting in classrooms. Some newly constructed schools we visited incorporated "day lighting" or natural light sources throughout the facility. This design feature benefits all students but can be particularly helpful to students or faculty with a sensitivity to light. Similarly, newly constructed schools we visited often incorporated acoustic features to control noise in classrooms and common areas. While these features benefit all students, lowering the volume in core areas of the school, such as cafeterias, can particularly benefit students with auditory sensitivities or attention issues. Some school facilities we visited had a "sensory room"—a room with softened lighting, muted colors, flexible seating and furniture, and features to reduce noise—to give students a space where sensory stimulation is reduced (see figure below).

Examples of Features GAO Observed to Assist Students with Sensory Processing Disabilities

Sign outside sensory room.



Makeshift light shield in a classroom.

Acoustic shields on the ceiling to control cafeteria noise.

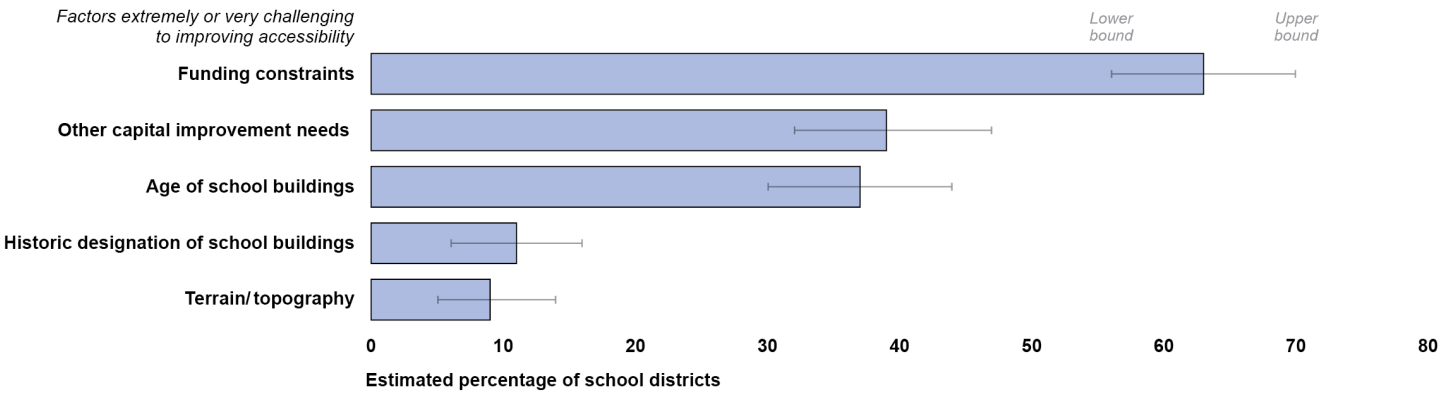
Source: GAO. | GAO-20-448

Districts Frequently Cited Funding Constraints and Competing Priorities as Challenges to Improving Physical Accessibility

Challenges to Improving Accessibility

School districts cited a range of challenges to improving the physical accessibility of their schools, but most frequently cited funding constraints as a major challenge (see fig. 13).[38] Officials from districts and national facilities organizations we interviewed said that retrofitting school buildings, particularly updating restrooms and installing elevators, can be very costly.

Figure 13: Major Challenges to School District Efforts to Improve Physical Accessibility



Source: GAO survey of public school districts. | GAO-20-448

Note: GAO administered the survey from August to October 2019. The thin bars display the 95 percent confidence interval for each estimate.

[38]An estimated 55 percent of districts rely primarily on local funding to address facility needs, and 36 percent primarily rely on state funding. Fewer than one-third of states have plans to provide funding to districts in the next 3 years for large-scale renovations or modernizations that should improve accessibility; 11 states plan to provide funding for small-scale upgrades to inaccessible features, such as ramps, door hardware, and signs and to improve the physical accessibility of school facilities.

School districts also cited challenges when school facilities have major capital improvement needs in addition to physical accessibility barriers. Facilities officials we interviewed cited concerns with the overall condition of their school facilities and the need to prioritize repairs to roofs and heating, ventilation, and air conditioning (HVAC) systems over accessibility upgrades. For example, an official from one rural district in Florida told us that it is hard to justify spending money to install an elevator in a school facility that needs a new roof.

The age of school buildings is another widespread challenge to improving physical accessibility, including school buildings that have historic designation.[39] Based on our nationally generalizable school district survey, we estimate that nearly one in five schools (18 percent) nationwide were built before 1992—when the ADA Standards for Accessible Design originally went into effect—and have not undergone an alteration or addition since that time.[40] Further, we estimate that nearly one in 10 schools (8 percent) nationwide were built before 1970 and have not undergone an alteration or built an addition since that time. District officials told us the era in which some school facilities were built can make physical accessibility improvements very difficult and costly. Officials from one large school district told us several hundred schools in their district are over 75 years old and had numerous barriers for people with disabilities.

Though less of a challenge for most districts, issues with terrain and topography may arise when schools are built near natural features (see fig. 14). For example, officials in a Florida district told us that the proximity to a lake causes sidewalks to sink an inch or so each year, which makes the pavement uneven and hazardous. They said that, while the sidewalks are relatively easy to fix, it is a persistent problem and costly to address. Several facilities officials noted that a school's terrain can cause multiple split-level features (small sets of stairs throughout a school). This can be a challenging barrier that elevators and platform lifts cannot adequately address. Another district official told us that schools in one neighborhood

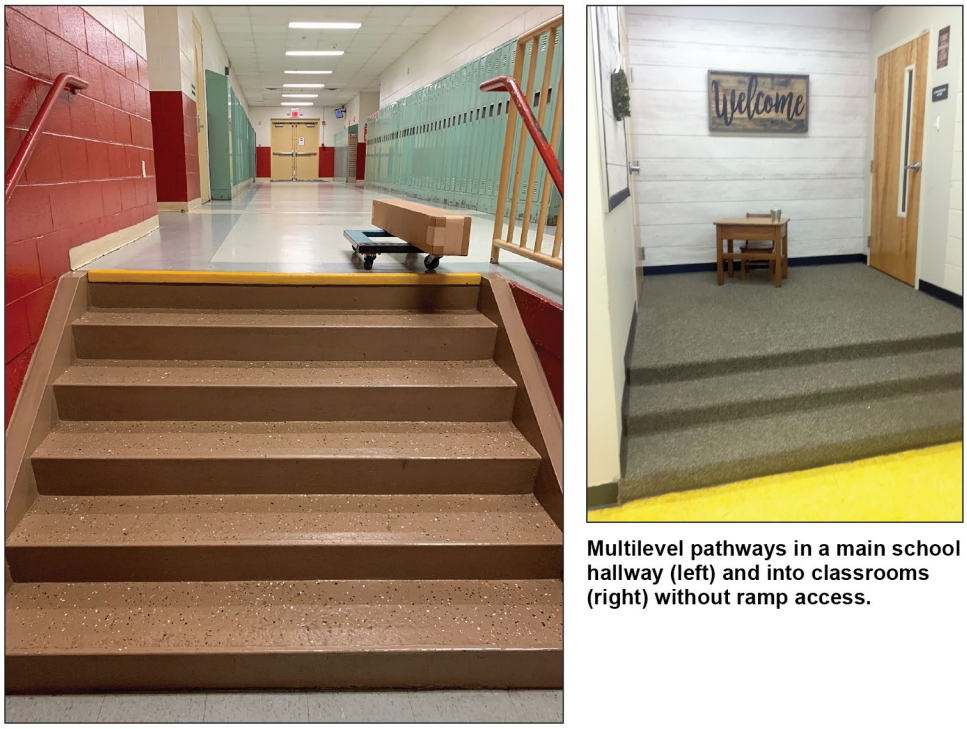
[39]Structural changes that would threaten or destroy the historical significance of a historic property are not required by the ADA. Nevertheless, a district must consider alternatives to structural changes in these instances.

[40]We defined "alteration" as a change in a building or facility that affects or could affect the usability of a building or facility or portion thereof and "addition" as a project that increases, expands, or extends gross floor area or height.

are built on the side of a mountain, and that ramps and elevators may not be enough to address accessibility challenges.

Figure 14: Examples of Uneven Walkways and Split-level Areas GAO Observed in Schools

Uneven pathways (left) and large cracks in pathway surface (right).



Multilevel pathways in a main school hallway (left) and into classrooms (right) without ramp access.

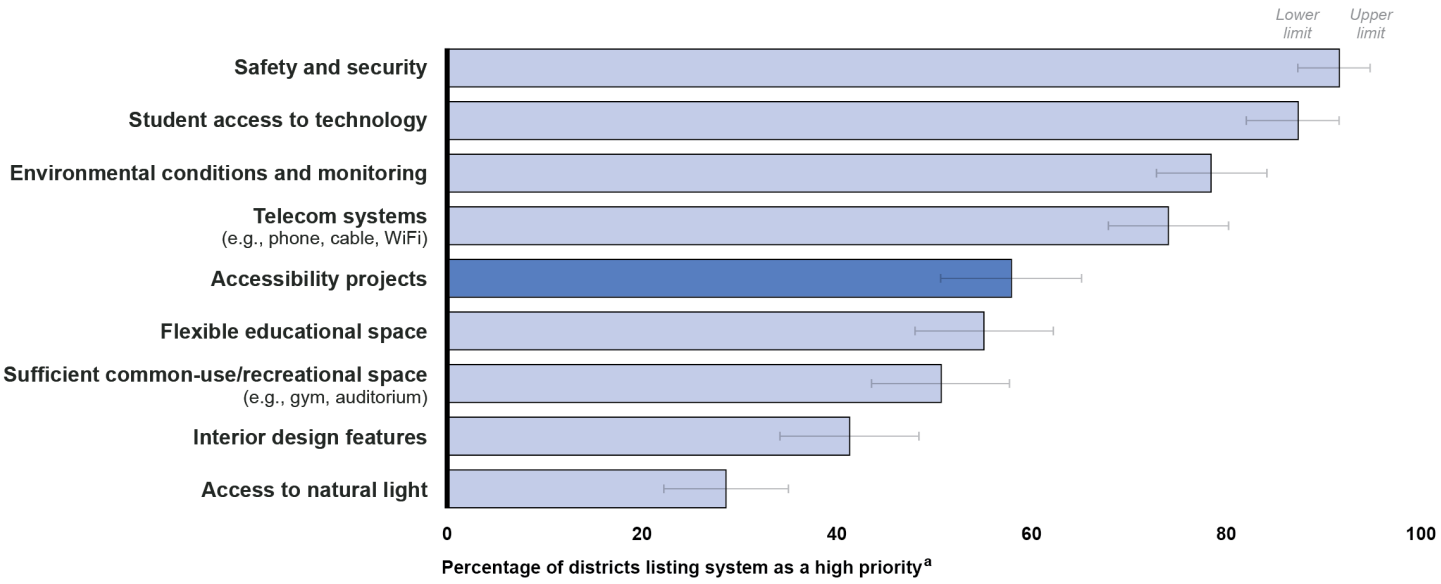
Source: GAO. | GAO-20-448

Note: In this report, GAO defines barriers as structural or physical features that have the potential to limit access for a person with disabilities. Barriers presented in this figure may indicate a lack of physical access, but taken alone, do not necessarily establish whether a legal violation has occurred.

Competing Priorities

In our national survey, school districts identified some systems and features as higher priorities than physical accessibility projects when updating or renovating school facilities. For example, districts identified safety and security updates (an estimated 92 percent of districts), student access to technology, such as laptops and tablets (87 percent), monitoring environmental conditions, such as air quality, water quality, or exposure to asbestos, lead, and mold (78 percent), and telecom system updates (74 percent) as high priorities when updating or renovating schools, whereas an estimated 58 percent of districts identified physical accessibility projects as high priorities (see fig. 15).

Figure 15: School District Priorities for Facilities Updates and Renovations



Source: GAO survey of public school districts. | GAO-20-448

[a]Districts identified these features as a "top priority" or "very much a priority" when considering updates or renovations. Other survey response options included "moderately a priority," "somewhat a priority," "not a priority," and "don't know."

Note: GAO administered the survey from August to October 2019. The thin bars display the 95 percent confidence interval for each estimate.

In addition to accessibility priorities, about half of districts identified creating flexible educational spaces (areas that are adaptable to different needs) as high priorities for school renovations and updates. These

spaces may include flexible seating and collaboration areas, which can benefit students and others with disabilities, according to district officials (see fig.16).

Figure 16: Examples of Flexible Seating GAO Observed

Flexible seating spaces in a library/media center (above) and a classroom (right).

Source: GAO. | GAO-20-448

School district officials we interviewed commonly told us safety and security was one of their top priorities due to recent gun violence incidents in schools. Several district officials noted that measures to make schools more secure can conflict with efforts to make schools more accessible. For example, officials from one district said that they altered the entrance gate of an elementary school so that a student with a disability could open it unassisted, but expressed concern that this lowered the school's security.

Limited Information Is Available to Help Schools Improve Physical Accessibility and Address Tensions between Accessibility and Security Features

Information on the Physical Accessibility of School Facilities Is Limited, and School Districts and States Want More Targeted Assistance

Justice and Education do not provide technical assistance on designing and improving the physical accessibility of K-12 school facilities. They have issued several joint guidance documents on other ADA requirements in schools, but these documents are not designed to address the physical accessibility of school facilities.[41] Justice operates a website, ADA.gov, that provides information and technical assistance on ADA, and Justice provides some technical assistance documents tailored to address the physical accessibility of specific facilities, such as polling places, stadiums, and swimming pools. Education also provides technical assistance related to ADA and Section 504, and in January 2020, launched the Outreach, Prevention, Education and Non-discrimination (OPEN) Center to bolster technical assistance efforts.[42]

In our national surveys, officials in school districts and states highlighted a need for more training and assistance on the physical accessibility of schools. An estimated half of district facilities departments had either not received training on accessibility standards or guidelines or did not know if they had. Almost 40 percent of districts identified that a lack of guidance and knowledge of accessibility standards was a challenge to making accessibility improvements to school facilities. In addition, an estimated 65 percent of the largest 100 districts—which enroll over seven million students and operate more than 8,500 schools—reported that they would

[41]These documents are: (1) *Frequently Asked Questions on Effective Communication for Students with Hearing, Vision, or Speech Disabilities in Public Elementary and Secondary Schools;* (2) *Letter to Health-Related Schools Regarding Hepatitis B Discrimination;* (3) *a Joint "Dear Colleague" Letter: Electronic Book Readers.*

[42]Education noted that, while it has not issued technical assistance documents related to compliance by school districts with legal requirements pertaining to physical accessibility, it provides technical assistance to school districts on a range of issues and answers questions regarding physical accessibility.

benefit from training on ADA and physical accessibility requirements. In our state survey, only about a third of states (17 of 49) reported that staff in the state facilities departments had received training or technical assistance related to 2010 Standards on the physical accessibility of school facilities in the last 5 years. The other 32 states said they either had not received this assistance or they did not know if they had.[43]

When asked about what assistance would be most helpful, school district officials said:

"A review of requirements specific to school buildings."

"[I would like an] understanding of what to look for at school sites to ensure we are compliant with [2010] Standards."

"The training to know and be able to assess our facility needs and address the compliance issues that may arise."

Source: GAO survey of school districts. | GAO-20-448

When asked what federal assistance might be most helpful, school district and state officials commonly cited a need for training on ADA requirements that is specific to K-12 public schools, easier to understand than the 2010 Standards, and affordable. Similarly, officials we interviewed from national disability groups, facilities and architectural groups, states, and districts noted the need for federal technical assistance that specifically addresses school facilities, and information that can help state, district, and school staff identify common barriers in schools. In addition, several district officials noted that they would like more information on ADA requirements related to children's environments and play areas.

Justice is not currently planning to issue any ADA technical assistance documents specific to school facilities. Justice has exclusive authority to issue regulations and technical assistance implementing subtitle A of Title II of ADA. According to Justice, any Title II ADA technical assistance or guidance documents issued by Education would need to be done jointly with Justice or be expressly delegated to Education by Justice.[44] According to Justice officials, a number of different factors contribute to the agency's issuance of technical assistance documents, such as recurring or repeated feedback and information about a particular topic received from the ADA Information Line, stakeholders, and citizen complaints.[45] However, Justice does not collect, tally, or systematically categorize the nature of feedback and questions it gets on ADA-related topics. As a result, Justice may not be aware of the extent to which, nationwide, districts want additional guidance (training and technical

[43]Illinois and Mississippi did not respond to our survey.

[44]Under Section 504, Education has regulatory authority for K-12 facilities to which it provides federal financial assistance.

[45]Justice operates a toll-free ADA Information Line to provide information and materials to the public about the requirements of the ADA.

assistance) on barriers to physical accessibility in schools, as indicated by the results of our district survey and interviews.

When asked about what assistance would be most helpful, district officials said:

"Updates on [2010] Standards, rules of thumb, etc. preferably some guide that is user friendly and does not take a legal and engineering degree to understand."

Source: GAO survey of school districts. | GAO-20-448

Justice officials also stated that the ADA regulations for public entities, and the 2010 Standards, apply to K-12 public school facilities, and that Justice directs districts to these regulations and the 2010 Standards in response to questions about how to understand, interpret, or apply them.[46] However, officials from disability and facilities organizations noted that the 2010 Standards can be difficult to understand and interpret. The 2010 Standards is over 250 pages with provisions that apply to a range of public and private facilities. For example, the 2010 Standards include provisions on medical care facilities, detention and correctional facilities, and social service establishments, but does not have provisions specific to schools. School district officials and school staff, in particular, noted the need for more user-friendly information related to ADA requirements in schools.

When asked about what assistance would be most helpful, district officials said:

"Training that would help front line supervisors have a better understanding of accessibility standards."

"Basic understanding of [the 2010] Standards to all our custodial and maintenance staff."

"External experts to provide guidance without charge to our limited budget."

Source: GAO survey of school districts. | GAO-20-448

Providing technical assistance is part of Justice's mission to support ADA compliance as authorized by the ADA. In addition, federal internal control standards and Office of Management and Budget (OMB) guidance maintain that agencies should select appropriate methods of communication, and periodically evaluate the methods of communication, in order to communicate quality information on a timely basis.[47]

Finally, officials in several states and school districts we visited told us that while they were aware of external groups that held ADA conferences, they needed opportunities for department-wide training and information that is available at no or low-cost. District officials stated that ADA and accessibility training for front-line facilities staff and maintenance and

[46]Justice officials also noted that the 2010 Standards include technical requirements for areas and features that are typically found in public school facilities, including, but not limited to, play areas, assembly areas, and work surfaces for children.

[47]GAO, *Standards for Internal Control in the Federal Government*, GAO-14-704G (Washington, D.C.: Sept. 10, 2014). OMB, *Final Bulletin for Agency Good Guidance Practices* (January 2007). According to OMB's guidance, "[a]gencies may provide helpful guidance to interpret existing law through an interpretive rule or to clarify how they tentatively will treat or enforce a governing legal norm through a policy statement. Guidance documents, used properly, can channel the discretion of agency employees, increase efficiency, and enhance fairness by providing the public clear notice of the line between permissible and impermissible conduct while ensuring equal treatment of similarly situated parties." OMB's guidance also states that significant guidance should aim to communicate effectively to the public about the legal effect of the guidance and the consequences for the public of adopting an alternative approach.

operations staff, in particular, would be very beneficial, but that sending that many staff to a conference would be cost-prohibitive. Justice officials told us that they present information on ADA and physical accessibility at conferences, but do not generally offer online training, or make conference materials publicly available.[48] We have previously reported that agencies should consider providing trainees with the flexibility to choose among different training delivery methods (such as web-based and instructor-led) while leveraging resources in the most efficient way possible.[49] Providing information that is specific to schools virtually could allow state, district, and school officials to access needed information in a cost-effective and continuous way.

Federal Information Does Not Address Tensions between Physical Accessibility and Safety and Security in School Facilities

Disability and facilities officials we interviewed described tensions between efforts to improve physical accessibility and enhance the safety and security of school facilities. Facilities staff from a range of school districts we visited, including urban, rural, large, and small districts, noted that they faced public pressure to "harden" school facilities with more safety and security features and upgrades.[50] This comports with the estimated 92 percent of districts citing safety and security updates or renovations (e.g., cameras, alarms, access control) as either a top priority or very much a priority for school upgrades, according to our nationally representative survey. Several district officials described special funding initiatives and grants to allow for security upgrades even when the district lacked funding for accessibility upgrades and other improvements. Some district officials noted that parental support for school boards to enhance the safety and security of school facilities increases after incidents of gun violence in schools are in the news.

Some safety and security features, however, may also affect physical accessibility in schools. In particular, disability groups we interviewed

[48]Justice officials said that, although they do not provide ADA-related conference or training materials online at https://www.ada.gov/, they do permit conference organizers to distribute slides to participants.

[49]GAO, *Human Capital: A Guide for Assessing Strategic Training and Development Efforts in the Federal Government*, GAO-04-546G (Washington, D.C.: March 2004).

[50]In 2020, we reported on characteristics of school shootings in K-12 schools. We analyzed the Naval Postgraduate School's K-12 School Shooting Database from school years 2009-10 through 2018-19 and found that the location of the shootings more often took place outside the school building than inside the school building, but that shootings inside were more deadly. GAO, K-12 *Education: Characteristics of School Shootings*, GAO-20-455 (Washington, D.C.: June 9, 2020).

noted concerns about safety and security features that are marketed to schools but which they believe are inconsistent with 2010 Standards. For example, the Partner Alliance for Safer Schools also noted in a 2018 report that certain devices are typically offered as a lowest-cost lockdown solution but, according to the organization, these devices may not be consistent with the 2010 Standards.[51]

We observed some schools with entry areas that could present a danger to people with disabilities. For example, double door vestibules, where maneuvering space is limited, can trap people in wheelchairs. In several high schools we visited, security-related features installed throughout hallways could pose a safety issue for people with visual impairments. For example, we visited a school that experienced a gun violence incident. As a result, staff had installed boxes on walls of hallways for students and staff to use to report anonymous security tips (see fig. 17). These boxes, placed throughout the school, protruded more than four inches into circulation paths, which could pose a barrier for someone who is blind or has limited vision.[52]

[51]Partner Alliance for Safer Schools is a national school safety organization that provides guidelines and resources. See *Safety and Security Guidelines for K-12 Schools, 4th Edition.*

[52]According to the 2010 Standards, an object cannot protrude more than 4 inches from the wall if the leading edge is located between 27 inches and 80 inches above the finish floor or the ground. According to the 2017 American Community Survey (Census.gov), there are approximately 568,202 children with vision difficulties in the United States.

Figure 17: A Security-Related Box Protruding into a Pathway GAO Observed

Protruding object in circulation path.

Source: GAO. | GAO-20-448

Note: In this report, GAO defines barriers as structural or physical features that have the potential to limit access for a person with disabilities. Barriers in this figure may indicate a lack of physical access, but taken alone, do not necessarily establish whether a legal violation has occurred.

Officials from national facility organizations, disability groups, states, and school districts agreed that districts need additional information on navigating tensions between safety and security features and accessibility requirements in schools.

Effective communication with external entities that is current, complete, and timely can help federal agencies achieve their goals, according to federal internal control standards.[53] These standards also indicate the importance of identifying, analyzing, and responding to changing external conditions, such as the advent of new safety and security technologies, mechanisms, and information that might affect people with disabilities. In February 2020, the U.S. Departments of Homeland Security, Education, Justice, and Health and Human Services launched a new federal website, SchoolSafety.gov, to share actionable recommendations with the goal of empowering districts and schools to improve safety and security. The website has a section on physical security with a number of resources and tools for districts and schools on securing school facilities and grounds. The section on site assessments notes that "critical aspects of an assessment include…compliance with architectural standards for people with disabilities and other access and functional needs" without mentioning laws governing accessibility or addressing their requirements, or linking to existing ADA information at www.ada.gov.

Conclusions

The physical accessibility of public schools affects millions of students and other people with disabilities who rely on school facilities for education and other important civic functions such as voting. Justice has noted that people with disabilities are too often excluded from participating in basic community activities due to physical barriers. While Justice has the authority to provide technical assistance on ADA requirements, it has not provided any assistance specific to the physical accessibility of school facilities. Given the challenges districts and schools face understanding ADA requirements for physical accessibility and making necessary improvements to facilities—which we saw echoed in the number and types of barriers we observed in schools across the country—it is important to make information on the accessibility of schools available online. Justice has an opportunity to further support its mission of achieving equal opportunity for people with disabilities in the United States by providing this needed information.

[53]GAO-14-704G.

As schools across the country take action to address safety and security concerns in the wake of gun violence and other incidents, districts and schools are struggling to navigate the tension between safety and security features and physical accessibility requirements in schools. Although federal agencies acknowledged that districts and schools should evaluate the physical accessibility of their facilities, the recent roll-out of SchoolSafety.gov does not include information on accessibility requirements or specific information on physical accessibility. Without clarifying the ways that accessibility requirements pertain to school safety and security upgrades, districts and schools may take actions counter to their goals of enhancing accessibility or make costly mistakes. Justice has a unique opportunity to provide timely assistance to districts and schools as they invest in ways to make school facilities safe and accessible.

Recommendations for Executive Action

We are making the following two recommendations to Justice:

The Assistant Attorney General for the Civil Rights Division should work with Education's Office for Civil Rights to provide state educational agencies and school districts with online information, technical assistance, or training materials related to federal accessibility requirements specific to public school facilities. (Recommendation 1)

The Assistant Attorney General for the Civil Rights Division should work with Education's Office for Civil Rights to provide state educational agencies and school districts with online information, technical assistance, or training materials related to federal accessibility requirements in public school facilities in the context of safety and security. This may include leveraging recent, online federal initiatives on school safety and physical security. (Recommendation 2)

Agency Comments and Our Evaluation

We provided a draft of this report to the Departments of Justice (Justice) and Education (Education) for review and comment. Justice officials told us via email that the Department does not take a position on our recommendations. Education provided written comments that are reproduced in appendix III. Justice and Education also provided technical comments, which we incorporated as appropriate.

In its written comments, Education noted that this report would be useful to a variety of audiences and would raise awareness of the continuing need to improve physical accessibility in public schools. However, Education also raised several concerns about the draft report.

Education noted that, while Education and Justice have not jointly issued guidance or technical assistance documents related to compliance by school districts with legal requirements pertaining to physical accessibility, Education provides technical assistance to school districts on a range of issues. We added information to the report to reflect this.

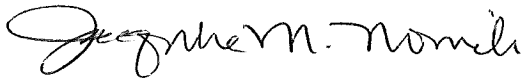
Education also raised three concerns related to the draft report's statements about legal requirements. First, Education was concerned that the draft report may be read incorrectly as indicating that school district facilities that were constructed or altered prior to the 1992 effective date of the ADA Title II regulations are not subject to physical accessibility requirements. Specifically, Education noted that school facilities built or altered after the June 1977 effective date of Section 504 are subject to Section 504's physical accessibility requirements. We agree this is an important point, and the draft report that Education reviewed explicitly acknowledged that school districts have been subject to Section 504 requirements since 1977. Although the report's focus is on the ADA rather than Section 504, in the final report, we more prominently mentioned the applicability of Section 504.

Second, Education was concerned that the draft report may be read incorrectly as covering all applicable standards under Title II. In response, we added language to the final report to (1) clarify that the report does not encompass the entirety of the 2010 Standards, and (2) reference the various Title II standards that apply depending on the date of a facility's construction or alteration.

Finally, Education was concerned that the draft report may be read incorrectly as indicating that school districts are permitted to use alternative measures to achieve program accessibility more broadly than is permitted, and suggested that we include an analysis of a specific regulatory provision. Although such an analysis is beyond the scope of this report, to address this concern, we clarified the description of the issue and added a reference to the regulatory language.

As agreed with your offices, unless you publicly announce the contents of this report earlier, we plan no further distribution until 30 days from the report date. At that time, we will send copies of this report to the appropriate congressional committees, the Assistant Attorney General for the Civil Rights Division, the Secretary of Education, and other interested parties. In addition, the report will be available at no charge on the GAO website at https://www.gao.gov.

If you or your staff have any questions about this report, please contact me at (617) 788-0580 or nowickij@gao.gov. Contact points for our Offices of Congressional Relations and Public Affairs may be found on the last page of this report. GAO staff who made key contributions to this report are listed in appendix IV.



Jacqueline M. Nowicki, Director
Education, Workforce, and Income Security Issues

List of Requesters

The Honorable Robert C. “Bobby” Scott
Chairman
Committee on Education and Labor
House of Representatives

The Honorable Jerrold Nadler
Chairman
Committee on the Judiciary
House of Representatives

The Honorable José Serrano
Chairman
Subcommittee on Commerce, Justice, Science, and Related Agencies
Committee on Appropriations
House of Representatives

Appendix I: Objective, Scope, and Methodology

In this report, we examined the extent to which (1) school districts have school facilities with physical barriers that may limit access for people with disabilities; (2) school districts are planning to improve the physical accessibility of school facilities and what challenges, if any, they face; and (3) the Departments of Justice (Justice) and Education (Education) assist school districts and states in improving physical accessibility and meeting relevant federal requirements in schools.

To address all three objectives, we used the following methodologies, which we describe in detail below:

- Surveyed a nationally-representative sample of school districts.
- Surveyed all 50 states and the District of Columbia.
- Visited 16 school districts in six states and interviewed state and district officials and school staff.
- Observed 55 schools (including five charter schools) using a structured data collection instrument to make note of any observed barriers.[1] We photographed as appropriate.

In addition, we interviewed officials from Justice and Education, representatives from national and regional disability groups, and officials from school facilities organizations. We also interviewed officials from the U.S. Access Board, National Council on Disabilities, the National Institute on Disability, Independent Living, and Rehabilitation Research (NIDILRR), Center for Parent Information and Resources, Council of Chief State School Officers, American Institute of Architects, National Council on Independent Living, and Council of Parent Attorneys and Advocates, Inc. In addition, we conducted structured interviews of regional ADA Network Centers and disability rights organizations. We also reviewed relevant federal laws, regulations, guidance, and technical assistance documents related to physical accessibility.

Web-based Survey of School Districts

To address our objectives, we designed and administered a nationally generalizable survey of a stratified random sample of U.S. local educational agencies (LEA), which we refer to as school districts throughout the report. We sent the survey to district superintendents, to be forwarded to the district official best able to answer questions related

[1]In this report, we defined barriers as structural or physical features that have the potential to limit access for a person with disabilities. In practice, whether a particular barrier limits access depends on an individual's disability.

to the physical accessibility of school facilities. The survey included questions about:

- The presence of barriers that may impede access to, or use of, school facilities for a person with a disability.[2]
- The percentage of school facilities that are not used by people with disabilities because of the presence of barriers.
- The assessments school districts conduct to improve physical accessibility.
- The challenges school districts face in improving physical accessibility.
- Training on accessibility standards or guidelines.

We defined our target population to be all school districts in the 50 U.S. states and the District of Columbia that are not under the jurisdiction of the Department of Defense or the Department of the Interior's Bureau of Indian Education. We used the LEA Universe database from Education's Common Core of Data (CCD) for the 2016-2017 school year as our sampling frame.

For the purpose of our survey, we limited the sampling frame to school districts that:

1. were located in the 50 states, the District of Columbia, or territories;[3]
2. had one or more schools and one or more students; and
3. were not closed according to the 2016-17 school year or preliminary 2017-18 School Year CCD data available just prior to survey deployment.[4]

The resulting sample frame included 17,248 school districts; we selected a stratified random sample of 664 school districts and received 378

[2]The percentage estimates of school districts with barriers are based on self-reported barriers by districts. We did not verify whether any school districts had barriers that may limit access for people with disabilities.

[3]For the purposes of this report, we have included the District of Columbia in our counts of states.

[4] We also excluded school districts classified in the CCD as supervisory union administrative centers or federally operated institutions charged with providing elementary and secondary instruction or services.

responses. We stratified the sampling frame into 19 mutually exclusive strata such as urban classification and poverty classification.

We defined the three urban classifications (i.e., city, suburban, and rural) based on the National Center for Education Statistics (NCES) urban-centric locale codes. The rural classification included school districts classified as either rural or town. To build a general measure of the poverty level for each school district, we used CCD data to determine the proportion of students eligible for free or reduced-price lunch (FRPL) and classified these into the following three groups:

- High poverty: More than 75 percent of students in the school district were eligible for FRPL.
- Mid-poverty: Between 25.1 and 75.0 percent of students in the school district were eligible for FRPL.
- Low poverty: 25 percent or fewer students in the school district were eligible for FRPL.[5]

We selected the largest 100 school districts according to student enrollment with certainty. To determine the appropriate sample size for the survey, we first determined the minimum sample size needed to achieve precision levels of percentage estimates within plus or minus 10 percentage points, at the 95 percent confidence level, within each of 3 sub-groups: low-, medium-, and high-poverty districts. Within each of these poverty sub-groups, we proportionately allocated the sample across the race and urban classification groups. We then increased the sample size within each non-certainty stratum for an expected response rate of 55 percent in order to achieve the necessary number of completed surveys for our desired precision level (see table 1).

[5]In school year 2019-20, the income limits for a family of four for free and reduced-price lunches, respectively, are $33,475 and $47,638.

Table 1: Description of Sample Frame, Stratification, and Samples Sizes for the Stratified Random Sample of School Districts

	Stratum	Population size (number of school districts)	Sample size	Number of completed surveys
1	Largest 100 Schools - Students	100	100	71
2	City - Majority White, High Poverty (>75.0% students eligible for FRPL)	23	10	7
3	City - Majority White, Mid Poverty (25.1-75.0% FRPL)	445	10	5
4	City - Majority White, Low Poverty (0-25.0% FRPL)	150	11	6
5	City - Majority Nonwhite, High Poverty (>75.0% FRPL)	878	57	23
6	City - Majority Nonwhite, Mid Poverty (25.1-75.0% FRPL)	1,204	19	5
7	City - Majority Nonwhite, Low Poverty (0-25.0% FRPL)	74	10	7
8	Suburban - Majority White, High Poverty (>75.0% FRPL)	60	10	5
9	Suburban - Majority White, Mid Poverty (25.1-75.0% FRPL)	1,359	20	10
10	Suburban - Majority White, Low Poverty (0-25.0% FRPL)	1,101	71	33
11	Suburban - Majority Nonwhite, High Poverty (>75.0% FRPL)	346	24	14
12	Suburban - Majority Nonwhite, Mid Poverty (25.1-75.0% FRPL)	995	17	11
13	Suburban - Majority Nonwhite, Low Poverty (0-25.0% FRPL)	90	10	5
14	Town/Rural - Majority White, High Poverty (>75.0% FRPL)	465	31	22
15	Town/Rural - Majority White, Mid Poverty (25.1-75.0% FRPL)	6,602	99	55
16	Town/Rural - Majority White, Low Poverty (0-25.0% FRPL)	1,224	79	47
17	Town/Rural - Majority Nonwhite, High Poverty (>75.0% FRPL)	870	57	39
18	Town/Rural - Majority Nonwhite, Mid Poverty (25.1-75.0% FRPL)	1,227	19	8
19	Town/Rural - Majority Nonwhite, Low Poverty (0-25.0% FRPL)	35	10	5
	Total	**17,248**	**664**	**378**

Source: GAO, based on Department of Education data. | GAO-20-448

Note: Free and reduced-price lunch (FRPL) is the percentage of students eligible to receive free or reduced-price lunch. Approximately 2200 districts in our sampling frame had missing values for the number of students eligible for FRPL. These schools were captured in the mid-poverty group when creating strata. In school year 2019-2020, the income limits for a family of four for free and reduced-price lunches, respectively, are $33,475 and $47,638.

We assessed the reliability of the CCD data by reviewing existing documentation about the data and performing electronic testing on required data elements and determined they were sufficiently reliable for the purposes of selecting public school districts for our national survey.

We took steps to minimize non-sampling errors, including pretesting draft instruments and using a web-based administration system. We pretested the draft instrument from June to July 2019 with officials in five school districts in different states and with varying characteristics such as size of

the student population. In the pretests, we asked about the clarity of the questions and the flow and layout of the survey. Based on feedback from the pretests, we made revisions to the survey instrument. To obtain the maximum number of responses to our survey, and to minimize non-sampling errors caused by nonresponse, we sent reminder emails to nonrespondents and contacted some nonrespondents over the telephone.

We administered the survey from August to October 2019. We identified that 11 of the 664 sampled school districts were closed or had no physical school buildings, so these were removed from the universe and sample. Six of these out of scope sample districts were discovered soon after survey deployment, thus we were able to replace these six sample districts with the next randomly selected district within the same strata.[6] This resulted in a final in scope population of 17,237 districts and 659 in scope sample districts. We received 378 valid survey responses from this in scope sample resulting in an unweighted response rate of 57 percent and a weighted response rate of 53 percent.

We analyzed the response status to our survey to identify potential sources of nonresponse bias, in accordance with best practices in survey research and echoed in Office of Management and Budget, *Standards and Guidelines for Statistical Surveys* (September 2006). We examined the response propensity of the sampled school districts using both bivariate and multivariate logistic regression models, including several demographic characteristics available for respondents and non-respondents: urban classification, race, poverty, district size (number of schools and number of students in a district), and the stratification variable that combines these characteristics. We detected a significant association between both strata and number of students within a district and the propensity to respond to our survey. We did not detect a significant association between urban classification, race, or poverty and the response propensity.

We adjusted for the characteristics significantly associated with response propensity using weighting class adjustments. Specifically, we grouped the predicted response propensity derived from our logistic regression model that includes strata and the number of students using quintiles of the predicted response propensity distribution to form five weighting

[6]Three out-of-scope sample districts in stratum 5 and one out of scope sample district in each strata 8, 12, and 18 were replaced in our sample.

adjustment groups. We applied nonresponse adjustments to the sampling weights within these groups to form nonresponse adjusted analysis weights used in our survey analyses. Based on the nonresponse bias analysis and resulting nonresponse adjusted analysis weights, we determined that estimates using these weights are generalizable to the population of eligible school districts and are sufficiently reliable for the purposes of our reporting objectives.

We express the precision of our particular sample's results as a 95 percent confidence interval (for example, plus or minus 10 percentage points). This is the interval that would contain the actual population value for 95 percent of the samples we could have drawn. As a result, we are 95 percent confident that each of the confidence intervals in this report will include the true values in the study population.

We compared—as appropriate—weighted survey estimates generated for school districts by the school district strata described above. For each subgroup, we produced percentage estimates and standard errors for each level and used these results to confirm the significance of the differences between weighted survey estimates.

Web-based Survey of State Educational Agencies

To address our objectives, we designed and administered a web-based survey to all 50 states and the District of Columbia. We sent the survey to the relevant state agency that oversees school facilities, or to the state superintendent of education to be forwarded to the state official best able to answer questions related to the accessibility of school facilities. We conducted the survey between September and December 2019. To obtain the maximum number of responses to our survey, we contacted nonrespondents via email and phone throughout the period the survey was open. In total, 49 states responded to the survey; Mississippi and Illinois did not respond.[7] Data in the report are based on the 49 states that responded, unless otherwise noted. The survey included open-ended and closed-ended questions about:

- The state's role in assessing the physical accessibility of school facilities, and the level of information the state has about the physical accessibility of school facilities.

[7]For the purposes of this report, we have included the District of Columbia in our count of states.

- Whether the state provides school districts with guidance or technical assistance on physical accessibility.

To ensure the quality and reliability of the survey, we pretested the survey with three states that varied in their level of involvement in school facilities, among other factors. We conducted the pretests to check (1) the clarity and flow of the questions, (2) the appropriateness of the terminology used, (3) if the information could be easily obtained and whether there were concerns about the reliability of data that would be collected, and (4) if the survey was comprehensive and unbiased. We revised our survey questions based on the pretests. We reviewed responses to assess if they were consistent and contained all of the relevant information.

Site Visits to School Districts and Interviews with State and School District Officials

To address each research objective, we conducted site visits to six states—California, Florida, Maryland, Michigan, New Mexico, and Rhode Island—from June to September 2019. We selected states with variation in a number of characteristics, including geographic location, state support for school facilities, condition and age of school facilities, and whether natural disasters impacted school facilities in the state. Within these states, we selected 16 school districts based on variation in the size and population density (city, suburban, and rural), poverty level, and racial and ethnic composition. Within each district, we visited between two and four schools, depending on the size of the district and logistical considerations. We also visited five charter schools across four states, chosen based on their proximity to a selected school district. In some instances, these charter schools functioned as their own school district. In total we visited 55 schools, which ranged in grade-level, enrollment size, physical size, age, and condition (see table 2).

Table 2: Demographic Characteristics of Site Visit Districts

District characteristic	Number of districts visited (out of 16)
City	5
Suburban	4
Rural	7
Majority-Minority Student Population	13
High Poverty	8
Mid Poverty	6
Low Poverty	2

Source: GAO analysis of Department of Education data. | GAO-20-448

Note: Poverty level is based on the proportion of students eligible for free or reduced-price lunch (FRPL) as indicated in the Common Core of Data. In school year 2019-2020, the income limits for a family of four for FRPL, respectively, are $33,475 and $47,638. We classified high-poverty as more than 75 percent of students in the school district eligible for FRPL; md-poverty as between 25.1 and 75.0 percent of students eligible for FRPL; and low-poverty as 25 percent or fewer students in eligible for FRPL. The rural classification included school districts classified as either rural or town. Among 13 districts, there was variation in which racial or ethnic group composed a majority of the student population.

We interviewed state and district officials by telephone in advance of the site visit, and observed schools with district and school officials onsite.

- **States**. We interviewed state officials who were knowledgeable about their state's role in ensuring physical accessibility of schools. We discussed the agency's roles and responsibilities related to state-wide school facilities condition assessments or data collection initiatives on physical accessibility, state-level priorities for school facilities, and funding mechanisms within the state for school facilities and accessibility upgrades.
- **School districts.** Within the six states we visited, we interviewed officials in 16 school districts. Similar to our school district survey, we discussed their policies and practices on facilities condition assessments (including physical accessibility), how often they conduct or update these assessments, and how they make decisions regarding school physical accessibility. We also asked questions about how the districts prioritize upgrades to ensure physical accessibility and the funding mechanisms they use to address issues with the physical condition of public schools.
- **School observations.** To select schools in each school district, we used CCD data to randomize the list of all schools in the district and selected the top schools with consideration for different grade levels. We then asked district officials to verify that our random selections showed sufficient variety in the age, overall condition, and physical accessibility of buildings. We substituted recommended schools when appropriate to ensure we observed schools of different ages, conditions, and physical accessibility. When logistically feasible, we visited a nearby charter school as well. We used a data collection instrument to document our observations and took photos during these school visits.

Information we gathered from these interviews, while not generalizable, provides insight into the conditions present in the states and school districts we visited at the time of our interviews, and may be illustrative of efforts in other states and school districts.

Physical Barriers Data Collection Instrument for School Facilities Observations

Developing the Data Collection Instrument

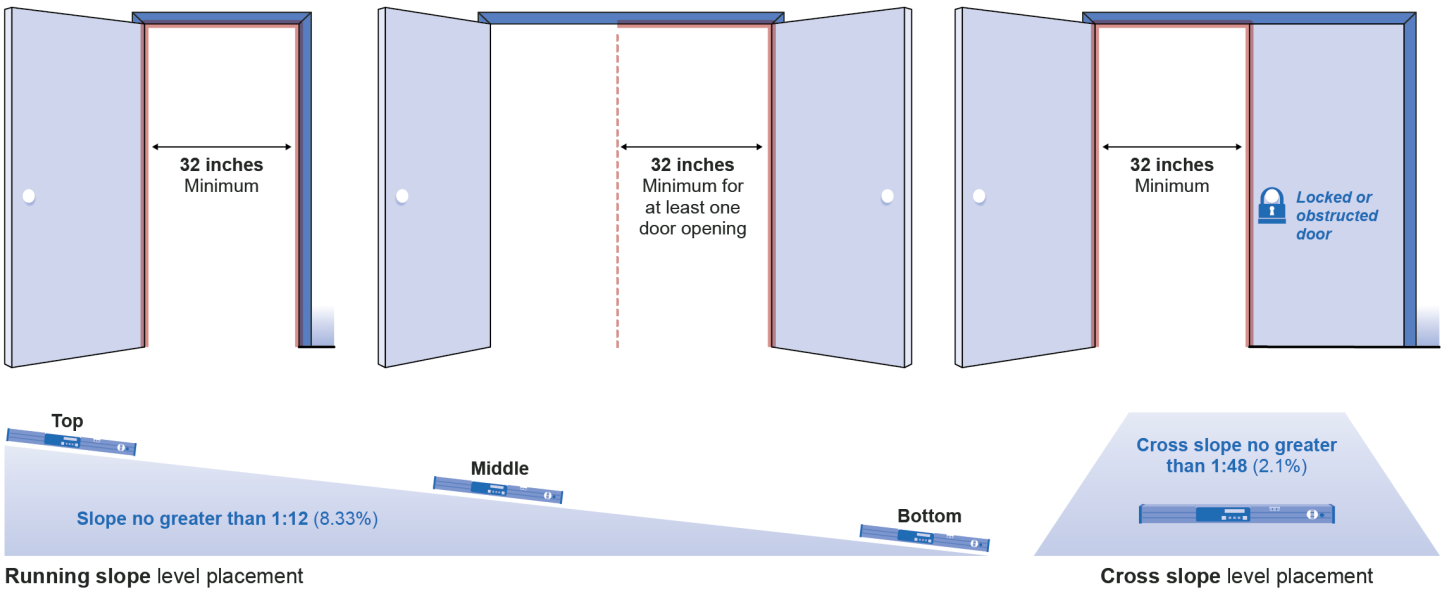
We designed and employed a data collection instrument (DCI) to systematically document barriers that may limit access for people with disabilities in various areas around and within schools. Our DCI was informed by the *2010 ADA Standards for Accessing Design* and the U.S. Access Board's *Accessible Play Areas: A Summary of Accessibility Guidelines for Play Areas*. Additionally, officials at Justice, Education, the U.S. Access Board, and internal stakeholders reviewed a draft version of the DCI and provided feedback. We incorporated their comments as appropriate. Finally, to examine the ease of use, clarity, and time required to complete the DCI, we pretested the DCI at six schools varying in size and grade level in June 2019.

To ensure uniformity of data collection, we trained all team members on how to (1) complete the DCI; (2) use the measurement tools; and (3) interview school district officials and school staff about the school facilities' accessibility. We also provided team members with a DCI instructions document, outlining how to examine, measure, and document observations of areas and features. We carried a tape measure, door pressure gauge, and a digital level, as well as a structured DCI to document observations and measurements on barriers in schools.[8] We determined that the door pressure gauges and the digital levels were sufficiently reliable for our purposes.[9] See figure 18 for examples of measurements and features we observed.

[8]Teams used door pressure gauges to measure the amount of force (pounds) required to open interior doors. Teams also used digital levels to measure potential structural barriers in buildings and on walkways.

[9]We tested the reliability of the door pressure gauges based on the consistency of readings from all pressure gauges, by reviewing the manufacturer's specifications and talking with facilities experts. We tested the reliability of the digital levels based on the consistency of readings from all digital levels and by reviewing the manufacturer's specifications.

Figure 18: Examples of Measurements and Tools in GAO's Data Collection Instrument



Source: GAO analysis of Department of Justice's 2010 ADA Standards for Accessible Design. | GAO-20-448

Collection of Data

We systematically observed areas and features in each of the 55 school facilities, including entrances, interior, and recreational areas. As a result of limited time and resources, and consistent with site visit observation protocols, we did not observe every single classroom, science lab, and restroom at each school we visited. Instead, we asked district officials and school staff to show us at least one classroom, science lab, and accessible restroom, in addition to the other features and areas we observed. We recorded barriers in our DCI and identified the number of schools with one or more barriers.[10]

Our DCI also gathered information such as whether a barrier was temporary or related to the maintenance of accessible features. Temporary barriers can narrow pathways and create obstacles for people with disabilities in core areas of schools. When possible, we recorded examples of universal design—features designed to be usable by all people without the need for adaptation—and interviewed district facilities

[10]As previously mentioned, we defined "barriers" as structural or physical features that have the potential to limit access for people with disabilities. In practice, whether a particular barrier limits access depends on the nature of an individual's disability.

officials and school staff to learn about their efforts to increase physical accessibility.

For our measurements of features in all areas, we did not differentiate the severity of barriers because disabilities and access are dependent on numerous factors, including the nature of an individual's disability. In addition, we did not assess or evaluate whether states or school districts complied with relevant legal requirements.

Analysis of Data

In general, the denominator for our calculations is the 55 schools we examined. However, the number of measurements and observations we completed at schools varied. In some instances, we were unable to observe certain areas within school facilities like parking spaces, gymnasiums, and playgrounds because the school did not have these areas or, in some cases, these parts of the school were closed for maintenance or renovation. See table 3 for detailed information on the areas we observed.

Table 3: Number School Areas GAO Examined

Entrance areas	Parking spaces	53
	Paths to school entrances	55
	Main entrances	55
	Main offices/security check-in areas	55
Interior areas	Classrooms	55
	Science labs	40
	Library/media center	52
	Restrooms	55
	Auditoriums	50
	Cafeterias	55
	Elevators/platform lifts	30
Recreational areas	Athletic fields/stadiums	21
	Playgrounds	21

Source: GAO analysis of school facilities. | GAO-20-448

We assessed the accuracy of information collected through our DCI by reviewing responses to identify obvious errors or inconsistencies; conducting follow-up to clarify responses when needed; and, checking responses from the paper-based DCI that were entered manually into an electronic format.

We conducted this performance audit from October 2018 to June 2020 in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

Appendix II: Surveys of School Districts and States on School Facilities

This appendix contains the closed- and open-ended questions from our surveys of (1) local educational agencies (referred to in this report as school districts or districts) and (2) state educational and state facility agencies.[1] In some cases, respondents received different questions based on their response to a prior question. For example, school districts that conducted a facilities condition assessment in the last 10 years received additional questions about those assessments; however school districts that had not conducted such an assessment received questions to explain the reasons why. For a detailed discussion of our survey methodologies, see appendix I.

[1]In our surveys, we used the terms “local educational agency” or “LEA.” Throughout this appendix, we replaced those terms with “school district” or “district” for consistency within this report. We also used both surveys to collect information for a separate report on the condition of public school facilities. This appendix includes the full surveys used to collect information for both reports.

Survey of School Districts

Characteristics of the School District

1. **How many schools are in your school district?** _____ schools

2. **How many schools in your district were built before 1992 and have not undergone an alteration or addition since that time?** _____ schools _____ Don't know

3. **How many schools in your district were built before 1970 and have not undergone an alteration or addition since that time?** _____ schools _____ Don't know

School District Facilities Assessments

4. **A facilities condition assessment is a systematic inspection of facilities using a standardized method for recording observations (Note: For the purposes of this survey, facilities condition assessments do not include work order or routine maintenance reviews). In the last 10 years (calendar years 2009-2019), has your school district conducted a facilities condition assessment of school facilities?** (select one response)

   _____ Yes
   _____ No
   _____ Don't Know

   a. **How does your school district select schools for these facilities condition assessments?** (select one response)

      _____ We assess every school
      _____ We select a random selection of schools
      _____ We select targeted schools by condition (e.g., by age of school, known condition concerns, planned projects, or complaints)
      _____ We select targeted schools by percentage (e.g., 20 percent of schools in the district are assessed annually so all schools are assessed over a 5-year period)
      _____ Other (please specify below)
      _____ Don't know

      (If Other, open-ended): **Through what other method does your school district select schools to conduct its facilities condition assessments?**

   b. **How frequently does your district conduct its facilities condition assessments?** (select one response)

      _____ Every 1-2 years
      _____ Every 3-5 years
      _____ Every 6 or more years

Page 1

_____ Conducted once, no plans to reassess
_____ Other (please specify below)
_____ Don't know

(If Other, open-ended): **How would you describe the frequency that your district conducts its facilities condition assessments?**

c. **Who primarily conducts these facilities condition assessments?** (select one response)

_____ School staff
_____ School district staff
_____ State officials
_____ Contractor/professional firm
_____ Other (please specify below)
_____ Don't know

(If Other, open-ended): **Who conducts these facilities assessments?**

d. **Does your district conduct the facilities condition assessments for any of the following purposes?** (select one response per row)

	Yes	No	Don't know
Budget formulation			
Capital planning purposes (i.e., project prioritization)			
Safety and hazard assessments			
Fulfilling a state requirement or mandate			
Assessing equitable access to resources			
In response to complaints or litigation			
Determining physical accessibility			
Providing facilities information to the public			
Disaster planning (e.g., for emergency sheltering)			
Other (please specify below)			

(If Other, open-ended): **What is the other purpose identified above?**

e. **A facilities condition index is the ratio of the total cost to correct identified building deficiencies to the current replacement value of the building. Does your district use a facilities condition index for capital planning purposes (such as for prioritizing projects or formulating capital budgets)?** (select one response)

_____ Yes
_____ No
_____ Don't Know

Page 2

f. **Is physical accessibility assessed as part of these facilities condition assessments?** (select one response)

_____ Yes
_____ No
_____ Don't Know

g. **Which of the following reasons describe why your district decided not to conduct a facilities condition assessment?**[1] (select one response per row)

	Yes	No	Don't know
Funding is not available to conduct a facilities condition assessment			
Condition is assessed through other mechanisms			
Our district is not responsible for the condition of/addressing deficiencies with school facilities			
Other (please specify below)			

(If Other, open-ended): **What is the other reason identified above?**

5. **In the last 10 years (calendar years 2009-2019), has your district assessed the physical accessibility of its school facilities?** (select one response)

_____ Yes
_____ No
_____ Don't Know

a. **How does your school district select schools to receive a physical accessibility assessment?** (select one response)

_____ We assess every school
_____ We select a random selection of schools
_____ We select targeted schools by condition (e.g., by age of school, known condition concerns, planned projects, or complaints)
_____ We select targeted schools by percentage (e.g., 20 percent of schools in the district are assessed annually so all schools are assessed over a 5-year period)
_____ Other (please specify below)
_____ Don't know

(If Other, open-ended): **Through what other method does your school district select schools to receive a physical accessibility assessment?**

[1]Only districts that responded to question 4 on our school district survey that they had not conducted a facilities condition assessment received this question.

b. **How frequently does your district assess the physical accessibility of its school facilities?** (select one response)

_____ Every 1-2 years
_____ Every 3-5 years
_____ Every 6 or more years
_____ Conducted once, no plans to reassess
_____ Other (please specify below)
_____ Don't know

(If Other, open-ended): **How would you describe the frequency that your district assesses the physical accessibility of its school facilities?**

c. **Does your district conduct physical accessibility assessments for any of the following purposes?** (select one response per row)

	Yes	No	Don't know
Budget formulation			
Capital planning purposes (i.e., project prioritization)			
Safety and hazard assessments			
Fulfilling a state requirement or mandate			
Assessing equitable access to resources			
In response to complaints or litigation			
Providing school accessibility information to the public			
Other (please specify below)			

(If Other, open-ended): **What is the other purpose identified?**

Features of Schools in Your District

6. **How would you rate the level of priority of the following systems or features when your district updates or renovates its school facilities?** (select one response per row)

	Not a priority	Somewhat a priority	Moderately a priority	Very much a priority	Top priority	Don't know
Telecom systems (e.g., phone, cable, WiFi)						
Safety and security (e.g., cameras, alarms, access control)						
Flexible educational space (e.g., classrooms are adaptable to different needs)						
Sufficient and usable outdoor common-use and recreational space (e.g., outdoor classroom, athletic fields, playgrounds)						

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Sufficient and usable indoor common-use and recreational space (e.g., gym, auditorium, cafeteria)
Access to natural light
Student access to technology (e.g., laptops or tablets)
High performance, sustainable buildings or systems (e.g., building automation, energy management systems, solar, wind, geothermal systems)
Building resilience (i.e., ability to withstand or recover from natural disasters)
Environmental conditions and monitoring (e.g., air quality, water quality, and/or exposure to asbestos, lead, mold)
Interior design features (e.g., acoustics, furniture and/or finishes, such as paint or flooring)
Accessibility projects (e.g., features or retrofits for physical accessibility, applying Universal Design principles)
Other *(please specify below)*

(If Other, open-ended): **What is the other system or feature identified above?**

7. **Approximately what percentage of schools in your district currently need the following systems or features to be updated or replaced?** (select one response per row)

	None	Less than 25 percent	25 to 49 percent	50 to 74 percent	75 to 100 percent	Don't know
Heating, ventilation, and air conditioning (HVAC) systems						
Structural integrity (e.g., walls, foundation)						
Roofing						
Interior light fixtures						
Exterior light fixtures						
Plumbing						
Indoor air quality monitoring						
Water quality monitoring						
Fire protection (e.g., alarms and suppression systems)						
Electrical systems						
Telecom systems (e.g., phone, cable, WiFi)						

Environmental conditions (e.g., exposure to asbestos, lead, mold)
Safety and security (e.g., cameras, alarms, access control)
Windows
Doors
Conveyance (e.g., elevators and lifts)
Other features or retrofits for physical accessibility
Other *(please specify below)*

(If Other, open-ended): **What is the other system or feature identified above?**

8. **Approximately what percentage of schools in your district have the following barrier(s) that may impede access to, or use of, a facility for a person with a disability?** (select one response per row)

	None	Less than 25 percent	25 to 49 percent	50 to 74 percent	75 to 100 percent	Don't know
Door hardware that requires tight grasping, pinching, or twisting of the wrist						
Lack of accessible parking						
Main entrance barriers (e.g., a main entrance that includes stairs with no ramp, etc.)						
Multi-story building(s) without a ramp, elevator, or chair lift						
No signs that designate the accessible route and include braille						
Door thresholds that exceed 1/2 inch in height						
Door openings that are less than 32 inches wide						
Protruding objects in circulation paths (circulation paths include interior and exterior walkways, hallways, courtyards, stairways, and landings)						
Toilet room barriers (e.g., no side or rear grab bars, uninsulated lavatory pipes, etc.)						
Cafeteria barriers						
Auditorium barriers (e.g., no wheelchair spaces, etc.)						
Assembly stages requiring steps						
Gymnasium barriers						
Athletic field barriers						
Stadium barriers						
Locker room barriers						
Portable classroom barriers						
Classroom barriers						
Library/media room barriers						

Playground barriers (e.g., mulch or other ground surface barriers, etc.)
Other *(please specify below)*

(If Other, open-ended): **What is the other barrier identified above?**

(Open-ended) **If you would like to provide additional context to your responses to question 8 above, please do so here.**

9. **In your estimation, what percentage of your district's schools have portions of the building with barriers that may limit access for people with disabilities (e.g., the facility has a classroom or common area that cannot be accessed with a wheelchair, etc.)?** (select one response)

   _____ None
   _____ Less than 25 percent
   _____ 25 to 49 percent
   _____ 50 to 74 percent
   _____ 75 to 100 percent
   _____ Don't know

10. **In your estimation, what percentage of your district's schools, due to the number of barriers, are not typically attended by students with physical disabilities?** (select one response)

    _____ None
    _____ Less than 25 percent
    _____ 25 to 49 percent
    _____ 50 to 74 percent
    _____ 75 to 100 percent
    _____ Don't know

    (Open-ended) **If you would like to provide additional context to your responses above, please do so here.**

11. **Does your district have an accessibility/ADA transition plan?** (select one response)

    _____ Yes
    _____ No
    _____ Don't Know

12. **Is your district planning any of the following actions to improve the physical accessibility of its school facilities (including school grounds), in the next 3 calendar years?** (select one response per row)

	Yes	No	Don't know
Large-scale renovations or modernizations			
Small-scale upgrades, such as door hardware and signage			
Accessibility evaluations by district officials			
Accessibility evaluations by a contractor or outside organization			
Other (*please specify below*)			

(If Other, open-ended): **What is the other action identified above?**

13. **How challenging, if at all, are the following factors to your district's efforts to improve the physical accessibility of its school facilities?** (select one response per row)

	Not at all challenging	Somewhat challenging	Moderately challenging	Very challenging	Extremely challenging	Don't know
Age of school buildings						
Other capital improvement needs						
Funding constraints						
Historic designation of school buildings						
Terrain/topography						
Lack of guidance/knowledge of accessibility standards						
Needs of emerging populations of students/ people with disabilities						
Other *(please specify below)*						

(If Other, open-ended): **What is the other factor identified above?**

(Open-ended) **What additional guidance or training related to accessibility standards would be helpful?**

14. **Does your district have a designated Americans with Disabilities Act (ADA) Coordinator to receive and respond to ADA complaints or concerns?** (select one response)

_____ Yes
_____ No
_____ Don't Know

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a. **Does your district's ADA Coordinator work with your district's facilities department if and when they receive complaints or concerns?** (select one response)

_____ Yes
_____ No
_____ Don't Know

i. **How often do your district's ADA Coordinator and facilities department work together to respond to ADA complaints and concerns?** (select one response)

_____ On an as needed basis
_____ Often (on a weekly basis)
_____ Regularly (at least once a month)
_____ Infrequently (less than once a month)
_____ Don't know

b. **Does your district's facilities department receive and respond to ADA complaints or concerns?** (select one response)

_____ Yes
_____ No
_____ Don't Know

Guidance and Federal Support

15. **Has your facilities department received training on accessibility standards or guidelines?** (select one response)

_____ Yes
_____ No
_____ Don't Know

a. **Would additional training on accessibility standards or guidelines be helpful for you or others in your department?** (select one response)

_____ Yes
_____ No
_____ Don't Know

(Open-ended) **What type of training would be helpful?**

Funding Mechanisms

16. **What is your district's primary method of funding to address facility needs?** (select one response)
_____ Local funding

_____ State funding
_____ Federal funding
_____ Other (*please specify below*)
_____ Don't Know

(If Other, open-ended): **What is the other primary funding source identified above?**

17. **Does your district use any of the following local funding methods to address facility needs?** (select one response per row)

	Yes	No	Don't know
Property tax revenue			
Sales tax revenue			
Other tax revenue			
Local bonds			
Grants			
Public-private partnerships			
Other (*please specify below*)			

(If Other, open-ended): **What is the other local funding method identified above?**

Survey of State Educational and State Facility Agencies

Facilities Condition Assessments

1. **A facilities condition assessment is a systematic inspection of facilities using a standardized method for recording observations. Which of the following options best describes whether your state has collected information through a facilities condition assessment of all or some school facilities in the last 10 years (calendar years 2009-2019)?** (For the purposes of this survey, facilities condition assessments do not include work order or routine maintenance reviews.)[2] (Check one.)

_____ Has conducted a statewide facilities condition assessment
_____ Has required school districts to conduct facilities condition assessments
_____ Both has conducted a statewide assessment and required districts to conduct facilities condition assessments
_____ Has not conducted a facilities condition assessment or required districts to do so
_____ Don't know

   a. **When conducting the statewide facilities condition assessments, does your state assess every school or some schools within the state?** (If you selected

[2]The subquestions under question 1 reflect those answered by states that said they had conducted a statewide facilities condition assessment or both had conducted a statewide assessment and required districts to conduct assessments. States that responded that they required school districts to conduct facilities condition assessments received similar questions about the requirements for school district assessments.

"Both…" in 1, please respond to the following questions from the perspective of the statewide assessment.) (Check one.)

_____ Every school
_____ Some schools
_____ Don't Know

i. **How were schools selected for the statewide facilities condition assessments?** (Check one.)

_____ Random selection
_____ Targeted schools by condition (e.g., by age of school, known condition concerns, planned projects, or complaints)
_____ Targeted schools by percentage (e.g., 20 percent of schools within the state assessed annually so all schools are assessed over a 5-year period)
_____ Other
_____ Don't Know

(If Other, open-ended): **Through what other method are schools selected for these facilities condition assessments?**

b. **How frequently does your state conduct facilities condition assessments of public school facilities?** (Check one.)

_____ Every 1-2 years
_____ Every 3-5 years
_____ Every 6 or more years
_____ Conducted once, no plans to reassess
_____ Other
_____ Don't know

(If Other, open-ended): **How would you describe the frequency that your state conducts its facilities condition assessments?**

c. **Who *primarily* conducts these statewide facilities condition assessments?** (Check one.)

_____ State-level staff
_____ Contractor/professional firm
_____ Other
_____ Don't know

(If Other, open-ended): **Who primarily conducts these facilities condition assessments?**

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d. **Does your state conduct the statewide facilities condition assessments for any of the following purposes?** (Check one per row.)

	Yes	No	Don't know
Budget formulation			
Capital planning purposes (i.e., project prioritization)			
In response to complaints or litigation			
Safety and hazard assessments			
Providing facilities information to the public			
Disaster planning (e.g., for emergency sheltering)			
Assessing equitable access to resources			
Determining physical accessibility			
Other			

(If Other, open-ended): **For what other purposes does your state conduct the statewide facilities condition assessments?**

e. **A facilities condition index is the ratio of the total cost to correct identified building deficiencies to the current replacement value of the building. Does your state use a facilities condition index for capital planning purposes (such as for prioritizing projects or formulating capital budgets)?** (Check one.)

_____ Yes
_____ No
_____ Don't Know

f. **Is physical accessibility assessed as part of these facilities condition assessments?** (Check one.)

_____ Yes
_____ No
_____ Don't Know

i. **Which of the following options best describes whether your state has assessed physical accessibility of school facilities in the last 10 years (calendar years 2009-2019) for all or some school facilities?** (Check one.)

_____ Has conducted a statewide physical accessibility assessment
_____ Has required school districts to conduct physical accessibility assessments
_____ Both has conducted a statewide assessment and required districts to conduct physical accessibility assessments
_____ Has not conducted a physical accessibility assessment or required districts to do so
_____ Don't know

ii. **Is physical accessibility assessed for every school or some schools in your state?** (If you selected "Both…" please respond to the following questions from the perspective of the statewide physical accessibility assessment.) (Check one.)

_____ Every school
_____ Some schools
_____ No specific requirement for how many schools must be assessed
_____ Don't Know

iii. **How were schools selected for the physical accessibility assessments?** (Check one.)

_____ Random selection
_____ Targeted schools by condition (e.g., by age of school, known condition concerns, planned projects, or complaints)
_____ Targeted schools by percentage (e.g., 20 percent of schools within the state assessed annually so all schools are assessed over a 5-year period)
_____ Other
_____ Don't Know

(If Other, open-ended): **Through what other method are schools selected for these physical accessibility assessments?**

iv. **How frequently is the physical accessibility of school facilities assessed?** (Check one.)

_____ Every 1-2 years
_____ Every 3-5 years
_____ Every 6 or more years
_____ Once, no plans to reassess
_____ Other
_____ Don't know

(If Other, open-ended): **How would you describe the frequency that physical accessibility is assessed?**

v. **Is physical accessibility assessed for any of the following purposes?** (Check one per row.)

	Yes	No	Don't know
Budget formulation			
Capital planning purposes (i.e., project prioritization)			
In response to complaints or litigation			
Safety and hazard assessments			

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Providing school accessibility information to the public
Assessing equitable access to resources
Other

(If Other, open-ended): **For what other purposes is physical accessibility assessed?**

g. **Does your state collect information from the district-level facilities condition assessments?**[3] (Check one.)

_____ Yes
_____ No
_____ Don't Know

(Open-ended): **What major findings or trends from the district-level facilities condition assessments did your state identify regarding the condition of schools?**

h. **Which of the following reasons describe why your state has not conducted a facilities condition assessment or required districts to do so?**[4] (Check one per row.)

	Yes	No	Don't know
Funding is not available to conduct a facilities condition assessment			
Condition is assessed through other mechanisms			
Districts are primarily responsible for the condition of/addressing deficiencies with school facilities			
Other			

(If Other, open-ended): **For what other reason has your state not conducted a facilities condition assessment or required districts to do so?**

(If Condition is assessed through other mechanisms, open-ended): **What other mechanisms does your state use to assess condition?**

i. **Is your state planning to conduct a statewide facilities condition assessment in the next 3 years?**[5] (Check one.)

_____ Yes
_____ No

[3]Only states that responded to question 1 on our state survey that they required school districts to conduct facilities condition assessments received this question.

[4]Only states that responded to question 1 on our state survey that they had not conducted a facilities condition assessment nor required districts to do so received this question.

[5]Only states that responded to question 1 on our state survey that they had not conducted a facilities condition assessment nor required districts to do so, or did not know, received this question. States that indicated they are planning to conduct a statewide assessment received a follow-up question on the reasons they are planning to do so.

_____ Don't Know

Features and Systems of K-12 Schools

2. **Over the last 5 years, has your state provided school districts with financial support, technical assistance, or standards and/or guidance for any of the building systems or features listed below?** (For "financial support", please consider any funding that your state provided to school districts specifically in support of the systems or features below, separate from general education funding streams.) (Check all that apply in each row.)

	Financial support	Technical assistance	Standards and/or guidance	None	Don't know
Building envelope, including exterior walls, windows, doors, and roofing					
Electrical, lighting, plumbing, or mechanical systems (e.g., heating, ventilation, and air conditioning (HVAC))					
Fire protection (e.g., alarms and suppression systems)					
Safety and security (e.g., cameras, alarms, access control)					
Access to technology (e.g., laptops, tablets, phone, cable, and/or WiFi)					
Flexible educational space (e.g., classrooms are adaptable to different needs)					
Sufficient and usable *outdoor* common-use and recreational space (e.g., outdoor classroom, athletic fields, playgrounds)					
Sufficient and usable *indoor* common-use and recreational space (e.g., gym, auditorium, cafeteria)					
Interior design features (e.g., acoustics, furniture and/or finishes, such as paint or flooring)					
High performance, sustainable buildings or systems (e.g., building automation, energy management systems, solar, wind, geothermal systems)					
Building resilience (i.e., ability to withstand or recover from natural disasters)					
Environmental conditions and monitoring (e.g., air quality, water quality, and/or exposure to asbestos, lead, mold)					
Conveyance (e.g., elevators and lifts)					
Accessibility projects (e.g., features or retrofits for physical accessibility, applying Universal Design principles)					
Other					

(If Other, open-ended): **For what other features has your state provided school districts with financial support, technical assistance, or standards and/or guidance for the building systems?**

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Funding School Facilities – Capital Projects

3. **Does your state provide funding to districts specifically for school facilities capital projects (e.g., new construction or renovations), as defined by your state?** (Check one.)

   _____ Yes
   _____ No
   _____ Don't Know

   a. **How does your state determine the levels of funding for capital projects for each district?** (Check one.)

      _____ By district request
      _____ Funding formula
      _____ Combination of district request, funding formula, and/or other methods
      _____ Other
      _____ Don't Know

      (If Other, open-ended): **Through what other method does your state determine the levels of funding for capital projects for each district?**

   b. **Does your state consider the following variables/factors when determining levels of funding for capital projects for each district?** (Check one per row.)

	Yes	No	Don't know
By order of request until all available funds are used			
Geographic distribution			
Size of the student population			
Condition of school facilities (based on facilities condition assessments, facilities condition indices, and/or other mechanisms)			
Type of project (e.g., fire, safety, HVAC, energy)			
Cost of the request			
Equity (e.g., percent of students eligible for free or reduced price lunch, students with disabilities, or English Language Learners)			
District received funding in prior years			
District's bonding capacity			
State's bonding capacity			
Other			

      (If Other, open-ended): **For what other variables/factors does your state consider when determining levels of funding for capital projects for each district?**

      (Open-ended)**: How does your state consider the factors selected above to determine levels of funding for capital projects for each district?**

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c. **Does your state use any of the following methods to fund new construction or capital improvements of school facilities?** (Check one per row.)

	Yes	No	Don't know
Allocated funding from state legislature			
Sales tax			
Excise tax			
State-level bond initiative			
Other tax revenue			
State lottery funds			
Public-private partnerships			
Other			

(If Other, open-ended): **What other methods does your state use to fund new construction or capital improvements of school facilities?**

4. **Does your state have criteria (e.g., a definition or monetary threshold) for when facilities new construction or improvement projects must use capital funding (instead of general education or maintenance and operations funding)?** (Check one.)

_____ Yes
_____ No
_____ Don't Know

(Open-ended): **How would you describe the criteria for when projects require capital funding?**

5. **Does your state have laws or regulations that set limitations on district bonding capacity?** (Check one.)

_____ Yes
_____ No
_____ Don't Know

(Open-ended): **How would you describe your state's laws or regulations on district bonding capacity?**

Funding School Facilities – Maintenance and Operations

6. **Does your state provide funding to districts, separate from general education funding streams, specifically for maintenance and operations of school facilities?** (Check one.)

_____ Yes
_____ No
_____ Don't Know

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a. **How does your state determine the levels of maintenance and operations funding for each district?** (Check one.)

_____ By district request
_____ Funding formula
_____ Combination of district request, funding formula, and/or other methods
_____ Other
_____ Don't Know

(If Other, open-ended): **Through what other method does your state determine the levels of maintenance and operations funding for each district?**

b. **Does your state consider the following variables/factors when determining levels of maintenance and operations funding for each district?** (Check one per row.)

	Yes	No	Don't know
By order of request until all available funds are used			
Geographic distribution			
Size of the student population			
Condition of school facilities (based on facilities condition assessments, facilities condition indices, and/or other mechanisms)			
Type of project (e.g., fire, safety, HVAC, energy)			
Cost of the request			
Equity (e.g., percent of students eligible for free or reduced price lunch, students with disabilities, or English Language Learners)			
District received funding in prior years			
District's bonding capacity			
State's bonding capacity			
Other			

(If Other, open-ended): **For what other variables/factors does your state consider when determining levels of maintenance and operations funding for each district?**

(Open-ended)**: How does your state consider the factors selected above to determine levels of maintenance and operations funding for each district?**

c. **Does your state use any of the following methods to fund maintenance and operations of school facilities, apart from general education funding streams?** (Check one per row.)

	Yes	No	Don't know
Allocated funding from state legislature			
Sales tax			
Excise tax			

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State-level bond initiative
Other tax revenue
State lottery funds
Public-private partnerships
Other

(If Other, open-ended): **What other methods does your state use to fund maintenance and operations of school facilities, apart from general education funding streams?**

7. **Does your state require (e.g., through statute or regulation) districts to dedicate a percentage of the state general education funding towards maintenance and operations of school facilities?** (Check one.)

_____ Yes
_____ No
_____ Don't Know

   a. **As of August 2019, approximately what percentage of general education funding does your state require districts to dedicate towards maintenance and operations of school facilities?** (Check one.)

   _____ 0.1% to 3%
   _____ 3.1% to 6%
   _____ Over 6%
   _____ Don't Know

Funding School Facilities – Charter School Facilities

8. **Does your state provide funding to charter schools specifically for construction, improvement, or maintenance and operations of school facilities?** (Check one.)

_____ Yes, the state provides direct funding to charter schools
_____ Yes, the state provides indirect funding to charter schools through the non-charter district
_____ No, the state does not provide funding to charter schools or does not have charter schools
_____ Don't Know

   a. **How does your state determine the levels of funding for construction, improvement, or maintenance and operations of charter school facilities?** (Check one.)

   _____ By request made by charter school
   _____ Funding formula
   _____ Combination of charter request, funding formula, and/or other methods

_____ Other
_____ Don't Know

(If Other, open-ended): **Through what other method does your state determine the levels of funding for charter schools?**

b. **Does your state consider the following variables/factors when determining levels of funding for charter schools?** (Check one per row.)

	Yes	No	Don't know
By order of request until all available funds are used			
Geographic distribution			
Size of the student population			
Condition of school facilities (based on facilities condition assessments, facilities condition indices, and/or other mechanisms)			
Type of project (e.g., fire, safety, HVAC, energy)			
Cost of the request			
Equity (e.g., percent of students eligible for free or reduced price lunch, students with disabilities, or English Language Learners)			
Charter school received funding in prior years			
District's bonding capacity			
State's bonding capacity			
Other			

(If Other, open-ended): **For what other variables/factors does your state consider when determining levels of funding for charter schools?**

(Open-ended)**: How does your state consider the factors selected above to determine levels of funding for charter schools?**

c. **Does your state use any of the following methods to fund construction, improvement, or maintenance and operations of charter school facilities?** (Check one per row.)

	Yes	No	Don't know
Allocated funding from state legislature			
Sales tax			
Excise tax			
State-level bond initiative			
Other tax revenue			
State lottery funds			
Public-private partnerships			
Other			

(If Other, open-ended): **What other methods does your state use to fund construction, improvement, or maintenance and operations of charter school facilities?**

Federal Assistance

9. **Does your state collect information on the condition of school facilities in districts that receive federal Impact Aid funding?** (Check one.)

   _____ Yes
   _____ No
   _____ Don't Know

(Open-ended)**: What findings or trends has your state identified regarding the condition of school facilities in districts that receive federal Impact Aid funding?**

10. **Does your state provide additional school facilities funding or other assistance to districts that receive federal Impact Aid funding?** (Check one.)

    _____ Yes
    _____ No
    _____ Don't Know

(Open-ended)**: How would you describe the additional school facilities funding or other assistance that your state provides to districts that are federally impacted?**

Accessibility of School Facilities and the Americans with Disabilities Act (ADA)

11. **Is your state planning any of the following actions to increase the physical accessibility of school facilities (including school grounds) in the next 3 calendar years?** (Check one per row.)

	Yes	No	Don't know
Providing funding to districts for large-scale renovations or modernizations that should address accessibility concerns			
Providing funding to districts for small-scale upgrades to inaccessible features, such as ramps, door hardware, and signage			
Conducting accessibility evaluations by state officials			
Providing funding to districts to conduct accessibility evaluations			
Providing technical assistance or guidance to districts on accessibility (or ADA) and school facilities			
Other			

(If Other, open-ended): **For what other actions is your state planning to increase the physical accessibility of school facilities?**

12. **Has your state provided districts or school officials with any of the following guidance documents, training, or assistance related to ADA standards or the accessibility of school facilities in the last 5 years?** (Check one per row.)

	Yes	No	Don't know

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State guidance, policies, or standards on accessibility
Industry guidance on accessibility (e.g., International Building Codes)
2010 ADA Standards for Accessible Design
Additional guidance from the U.S. Department of Justice
Guidance from the U.S. Department of Education
Professional guidance or academic research on universal design
Technical assistance (virtual or on-site)
Training (virtual or in person)
Other

(If Other, open-ended): **What additional guidance documents, training, or assistance related to ADA standards or the accessibility of school facilities has your state provided district or school officials in the last 5 years?**

13. **Open-ended: What additional guidance related to ADA standards or accessibility would be helpful to you in your role?**

14. **Have staff in your department received training or technical assistance related to ADA standards or the accessibility of school facilities in the last 5 years?** (Check one.)

_____ Yes
_____ No
_____ Don't Know

a. **Would training and/or technical assistance on ADA standards or accessibility be helpful to you in your role?** (Check one.)

_____ Yes
_____ No
_____ Don't Know

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Appendix III: Comments from the Department of Education

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE FOR CIVIL RIGHTS
THE ASSISTANT SECRETARY

June 2, 2020

Ms. Jacqueline M. Nowicki
Director
Education, Workforce, and Income Security Issues
U.S. Government Accountability Office
Washington, D.C. 20548

Dear Director Nowicki:

On behalf of the Department of Education (ED), the Office for Civil Rights (OCR) is pleased to respond to your request for review and comment on a Government Accountability Office (GAO) draft report entitled *K-12 EDUCATION: Justice Should Provide Information to Help School Districts Improve Access for People with Disabilities* (GAO-20-448) (GAO draft report). OCR's substantive comments are below, and technical comments are described in an enclosure to this letter. The findings described in the GAO draft report should be useful to a variety of audiences and raise awareness of the continuing need to improve physical accessibility in public schools. This is an objective that OCR fully supports.

As a preliminary matter, I note that the only two recommendations in the GAO draft report (page 35) are directed to the U.S. Department of Justice Civil Rights Division (hereafter DOJ). These recommendations are 1) to provide state educational agencies and school districts with online information, technical assistance, or training materials related to federal accessibility requirements specific to public school facilities; and 2) to carry out these same activities to address the specific context of safety and security, which may include leveraging recent, federal initiatives on school safety and physical security.

As you know, OCR is responsible for the enforcement of Section 504 of the Rehabilitation Act of 1973 (Section 504), which prohibits disability discrimination by recipients of federal financial assistance from ED. OCR is also responsible, jointly with DOJ (and pursuant to a delegation from DOJ), for the enforcement of Title II of the Americans with Disabilities Act (Title II) in, among other entities, public school districts. Title II prohibits disability discrimination by public entities, including public school districts, regardless of their receipt of federal funds.

In order to enhance compliance with the civil rights laws, OCR also provides technical assistance to ED's grantees, including to school districts. In fact, OCR has prioritized and bolstered technical assistance efforts, with the establishment of OCR's Outreach, Prevention, Education and Non-discrimination (OPEN) Center. *See* "Civil Rights Tutorials and Technical Assistance," https://www2.ed.gov/about/offices/list/ocr/frontpage/faq/crt-ta.html. While ED and DOJ have not jointly issued guidance or technical assistance documents related to compliance by school

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districts with legal requirements pertaining to physical accessibility, OCR does provide technical assistance to school districts on a range of issues (including questions regarding physical accessibility). For this reason, OCR requests that the statement on page 28 be revised to make clear that OCR does provide technical assistance on physical accessibility.

OCR has concerns about the GAO draft report's statements about legal requirements. OCR appreciates the disclaimer statements in the GAO draft report indicating that GAO did not evaluate compliance with legal requirements (page 3), as well as the notices, beginning on the summary page and repeated throughout the GAO draft report, that barriers depicted may indicate a lack of physical access, but that this information in and of itself does not establish whether a legal violation has occurred. These disclaimer statements are insufficient, however, to address OCR's concerns about the statements about legal requirements in the "Background" portion of the GAO draft report (pages 3-4). OCR's concerns are informed by findings in the GAO draft report (pages 28-30) that many school officials and staff are uncertain about legal requirements applicable to physical accessibility.

In summary, OCR's concerns about accuracy are that the GAO draft report may be read, incorrectly, by some as indicating: (1) that school district facilities that were constructed or altered prior to the 1992 effective date of the Title II regulations were not subject to any physical accessibility requirements, i.e., under another federal law; (2) that the draft identifies the complete set of applicable standards under Title II; and, (3) that measures that school districts are permitted to use to achieve program accessibility, where program accessibility is the appropriate standard, may also be permitted in situations in which facilities were constructed or altered in a manner that did not comply with the physical accessibility standards in effect at the time of construction or alteration.

In connection with OCR's first concern, the GAO draft report, at pages 3-4, summarizes some Title II regulatory provisions related to existing facilities subject to a program accessibility standard. The GAO draft report does not, however, recognize that because most, if not all, school districts have been subject to Section 504 since 1977, their facilities that were built or altered since the June 1977 effective date are subject to the physical accessibility requirements of the Section 504 regulations. 34 C.F.R. § 104.23. An understanding of Section 504 accessibility requirements is crucial in understanding school districts' obligations concerning accessibility. The GAO draft report only mentions Section 504 in footnote 10 on page 3, and on page 5. By solely focusing on the Title II requirements, the GAO draft report may be read by some as indicating that facilities constructed or altered between June 1977 and the 1992 effective date of the Title II regulations are subject only to Title II program accessibility standards.

To address this concern, OCR recommends that the GAO draft report be revised to add an analysis of the substantive effect of Section 504. *See* 34 C.F.R. § 104.23.

OCR's second concern is that the GAO draft report references some, but not all, applicable Title II standards. To address this concern, please see the description of accessibility and compliance dates in the Title II regulations at 28 C.F.R. § 35.151(c)(1)-(5). This section includes an appendix, which provides information in chart form, which may be helpful.

With reference to OCR's third concern, the GAO draft report at page 4 states that a school has flexibility in meeting its Title II obligations and that to achieve accessibility, it may make changes or alterations to facilities, or provide the service, program, or activity using an

alternative standard. This may not be entirely accurate, and GAO may consider adding an analysis of 28 C.F.R. § 35.151(c)(5)(II).

Thank you for your consideration of the foregoing and the enclosed.

Sincerely,

Kenneth L. Marcus
Assistant Secretary for Civil Rights

Enclosure

Appendix IV: GAO Contact and Staff Acknowledgments

GAO Contact

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Staff Acknowledgments

In addition to the contact named above, Bill MacBlane (Assistant Director), Alison Gerry Grantham (Analyst-in-Charge), Lauren Mosteller, and Manuel Antonio Valverde made key contributions to this report. Mariel Alper, Michael Armes, Susan Aschoff, David Barish, John W. Bauckman, James Bennett, Alex Galuten, Gretta Goodwin, Jill Lacey, Colleen R. Marks, Sheila R. McCoy, David A. McKinney, Jean McSween, John Mingus, Amy Moran Lowe, Corinna Nicolaou, Jean Clare Recklau, Linda Lootens Siegel, Liz Spurgeon, Alexandra Squitieri, Shelia Thorpe, Sonya Vartivarian, David A. Watsula, and James Whitcomb also contributed to this report.