Americans with Disabilities Act
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PART 35 -- NONDISCRIMINATION ON THE BASIS OF DISABILITY IN STATE AND LOCAL GOVERNMENT SERVICES

Subpart A--General

Sec.
35.101 Purpose.
35.102 Application.
35.103 Relationship to other laws.
35.104 Definitions.
35.105 Self-evaluation.
35.106 Notice.
35.107 Designation of responsible employee and adoption of grievance procedures.
35.108-35.129 [Reserved]

Subpart B--General Requirements

35.130 General prohibitions against discrimination.
35.131 Illegal use of drugs.
35.132 Smoking.
35.133 Maintenance of accessible features.
35.134 Retaliation or coercion.
35.135 Personal devices and services.
35.130-35.139 [Reserved]

Subpart C--Employment

35.140 Employment discrimination prohibited.
35.141-35.148 [Reserved]

Subpart D--Program Accessibility

35.149 Discrimination prohibited.
35.150 Existing facilities.
35.151 New construction and alterations.
35.152-35.159 [Reserved]

Subpart E--Communications

35.160 General.
35.161 Telecommunication devices for the deaf (TDD's).
35.162 Telephone emergency services.
35.163 Information and signage.
35.164 Duties.
35.165-35.169 [Reserved]

Subpart F--Compliance Procedures

35.170 Complaints.
35.171 Acceptance of complaints.
35.172 Resolution of complaints.
35.173 Voluntary compliance agreements.
35.174 Referral.
35.175 Attorney's fees.
35.176 Alternative means of dispute resolution.
35.177 Effect of unavailability of technical assistance.
35.178 State immunity.
35.179-35.189 [Reserved]

Subpart G--Designated Agencies

35.190 Designated agencies.
35.191-35.999 [Reserved]

Appendix A to Part 35 -- Preamble to Regulation on Nondiscrimination on the Basis of Disability in State and Local Government Services (Published July 26, 1991)


Subpart A--General

§ 35.101 Purpose.

The purpose of this part is to effectuate subtitle A of title II of the Americans with Disabilities Act of 1990, (42 U.S.C. 12131), which prohibits discrimination on the basis of disability by public entities.

§ 35.102 Application.

(a) Except as provided in paragraph (b) of this section, this part applies to all services, programs, and activities
provided or made available by public entities.

(b) To the extent that public transportation services, programs, and activities of public entities are covered by subtitle B of title II of the ADA (42 U.S.C. 12141), they are not subject to the requirements of this part.

§ 35.103 Relationship to other laws.

(a) Rule of interpretation. Except as otherwise provided in this part, this part shall not be construed to apply a lesser standard than the standards applied under title V of the Rehabilitation Act of 1973 (29 U.S.C. 791) or the regulations issued by Federal agencies pursuant to that title.

(b) Other laws. This part does not invalidate or limit the remedies, rights, and procedures of any other Federal laws, or State or local laws (including State common law) that provide greater or equal protection for the rights of individuals with disabilities or individuals associated with them.

§ 35.104 Definitions.

For purposes of this part, the term--


Assistant Attorney General means the Assistant Attorney General, Civil Rights Division, United States Department of Justice.

Auxiliary aids and services includes--

(1) Qualified interpreters, notetakers, transcription services, written materials, telephone handset amplifiers, assistive listening devices, assistive listening systems, telephones compatible with hearing aids, closed caption decoders, open and closed captioning, telecommunications devices for deaf persons (TDD's), videotext displays, or other effective methods of making aurally delivered materials available to individuals with hearing impairments;

(2) Qualified readers, taped texts, audio recordings, Braille materials, large print materials, or other effective methods of making visually delivered materials available to individuals with visual impairments;

(3) Acquisition or modification of equipment or devices; and

(4) Other similar services and actions.

Complete complaint means a written statement that contains the complainant's name and address and describes the public entity's alleged discriminatory action in sufficient detail to inform the agency of the nature and date of the alleged violation of this part. It shall be signed by the complainant or by someone authorized to do so on his or her behalf. Complaints filed on behalf of classes or third parties shall describe or identify (by name, if possible) the alleged victims of discrimination.

Current illegal use of drugs means illegal use of drugs that occurred recently enough to justify a reasonable belief that a person's drug use is current or that continuing use is a real and ongoing problem.

Designated agency means the Federal agency designated under subpart G of this part to oversee compliance activities under this part for particular components of State and local governments.

Disability means, with respect to an individual, a physical or mental impairment that substantially limits one or more of the major life activities of such individual; a record of such an impairment; or being regarded as having such an impairment.

(1)(i) The phrase physical or mental impairment means--

(A) Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: Neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, hemic and lymphatic, skin, and endocrine;

(B) Any mental or psychological disorder such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

(ii) The phrase physical or mental impairment includes, but is not limited to, such contagious and noncontagious diseases and conditions as orthopedic, visual, speech and hearing impairments, cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, emotional illness, specific learning disabilities, HIV disease (whether symptomatic or asymptomatic), tuberculosis, drug addiction, and alcoholism.

(iii) The phrase physical or mental impairment does not include homosexuality or bisexuality.

(2) The phrase major life activities means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

(3) The phrase has a record of such an impairment means has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities.

(4) The phrase is regarded as having an impairment means--

(i) Has a physical or mental impairment that does not substantially limit major life activities but that is treated by a public entity as constituting such a limitation;

(ii) Has a physical or mental impairment that substantially limits major life activities only as a result of
(iii) Has none of the impairments defined in paragraph (1) of this definition but is treated by a public entity as having such an impairment.

(5) The term disability does not include--

(i) Transvestism, transsexualism, pedophilia, exhibitionism, voyeurism, gender identity disorders not resulting from physical impairments, or other sexual behavior disorders;

(ii) Compulsive gambling, kleptomania, or pyromania; or

(iii) Psychoactive substance use disorders resulting from current illegal use of drugs.

Drug means a controlled substance, as defined in schedules I through V of section 202 of the Controlled Substances Act (21 U.S.C. 812).

Facility means all or any portion of buildings, structures, sites, complexes, equipment, rolling stock or other conveyances, roads, walks, passageways, parking lots, or other real or personal property, including the site where the building, property, structure, or equipment is located.

Historic preservation programs means programs conducted by a public entity that have preservation of historic properties as a primary purpose.

Historic Properties means those properties that are listed or eligible for listing in the National Register of Historic Places or properties designated as historic under State or local law.

Illegal use of drugs means the use of one or more drugs, the possession or distribution of which is unlawful under the Controlled Substances Act (21 U.S.C. 812). The term illegal use of drugs does not include the use of a drug taken under supervision by a licensed health care professional, or other uses authorized by the Controlled Substances Act or other provisions of Federal law.

Individual with a disability means a person who has a disability. The term individual with a disability does not include an individual who is currently engaging in the illegal use of drugs, when the public entity acts on the basis of such use.

Public entity means--

(1) Any State or local government;

(2) Any department, agency, special purpose district, or other instrumentality of a State or States or local government; and

(3) The National Railroad Passenger Corporation, and any commuter authority (as defined in section 103(8) of the Rail Passenger Service Act).

Qualified individual with a disability means an individual with a disability who, with or without reasonable modifications to rules, policies, or practices, the removal of architectural, communication, or transportation barriers, or the provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by a public entity.

Qualified interpreter means an interpreter who is able to interpret effectively, accurately, and impartially both receptively and expressively, using any necessary specialized vocabulary.


State means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands.

§ 35.105 Self-evaluation.

(a) A public entity shall, within one year of the effective date of this part, evaluate its current services, policies, and practices, and the effects thereof, that do not or may not meet the requirements of this part and, to the extent modification of any such services, policies, and practices is required, the public entity shall proceed to make the necessary modifications.

(b) A public entity shall provide an opportunity to interested persons, including individuals with disabilities or organizations representing individuals with disabilities, to participate in the self-evaluation process by submitting comments.

(c) A public entity that employs 50 or more persons shall, for at least three years following completion of the self-evaluation, maintain on file and make available for public inspection:

(1) A list of the interested persons consulted;

(2) A description of areas examined and any problems identified; and

(3) A description of any modifications made.

(d) If a public entity has already complied with the self-evaluation requirement of a regulation implementing section 504 of the Rehabilitation Act of 1973, then the requirements of this section shall apply only to those policies and practices that were not included in the previous self-evaluation.

§ 35.106 Notice.

A public entity shall make available to applicants, participants, beneficiaries, and other interested persons information regarding the provisions of this part and its applicability to the services, programs, or activities of the
§ 35.107 Designation of responsible employee and adoption of grievance procedures.

(a) Designation of responsible employee. A public entity that employs 50 or more persons shall designate at least one employee to coordinate its efforts to comply with and carry out its responsibilities under this part, including any investigation of any complaint communicated to it alleging its noncompliance with this part or alleging any actions that would be prohibited by this part. The public entity shall make available to all interested individuals the name, office address, and telephone number of the employee or employees designated pursuant to this paragraph.

(b) Complaint procedure. A public entity that employs 50 or more persons shall adopt and publish grievance procedures providing for prompt and equitable resolution of complaints alleging any action that would be prohibited by this part.

§§ 35.108-35.129 [Reserved]

Subpart B—General Requirements

§ 35.130 General prohibitions against discrimination.

(a) No qualified individual with a disability shall, on the basis of disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any public entity.

(b) (1) A public entity, in providing any aid, benefit, or service, may not, directly or through contractual, licensing, or other arrangements, on the basis of disability—

(i) Deny a qualified individual with a disability the opportunity to participate in or benefit from the aid, benefit, or service;

(ii) Afford a qualified individual with a disability an opportunity to participate in or benefit from the aid, benefit, or service that is not equal to that afforded others;

(iii) Provide a qualified individual with a disability with an aid, benefit, or service that is not as effective in affording equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement as that provided to others;

(iv) Provide different or separate aids, benefits, or services to individuals with disabilities or to any class of individuals with disabilities than is provided to others unless such action is necessary to provide qualified individuals with disabilities with aids, benefits, or services that are as effective as those provided to others;

(v) Aid or perpetuate discrimination against a qualified individual with a disability by providing significant assistance to an agency, organization, or person that discriminates on the basis of disability in providing any aid, benefit, or service to beneficiaries of the public entity's program;

(vi) Deny a qualified individual with a disability the opportunity to participate as a member of planning or advisory boards;

(vii) Otherwise limit a qualified individual with a disability in the enjoyment of any right, privilege, advantage, or opportunity enjoyed by others receiving the aid, benefit, or service.

(2) A public entity may not deny a qualified individual with a disability the opportunity to participate in services, programs, or activities that are not separate or different, despite the existence of permissibly separate or different programs or activities.

(3) A public entity may not, directly or through contractual or other arrangements, utilize criteria or methods of administration:

(i) That have the effect of subjecting qualified individuals with disabilities to discrimination on the basis of disability;

(ii) That have the purpose or effect of defeating or substantially impairing accomplishment of the objectives of the public entity’s program with respect to individuals with disabilities; or

(iii) That perpetuate the discrimination of another public entity if both public entities are subject to common administrative control or are agencies of the same State.

(4) A public entity may not, in determining the site or location of a facility, make selections—

(i) That have the effect of excluding individuals with disabilities from, denying them the benefits of, or otherwise subjecting them to discrimination; or

(ii) That have the purpose or effect of defeating or substantially impairing the accomplishment of the objectives of the service, program, or activity with respect to individuals with disabilities.

(5) A public entity, in the selection of procurement contractors, may not use criteria that subject qualified individuals with disabilities to discrimination on the basis of disability.

(6) A public entity may not administer a licensing or certification program in a manner that subjects qualified individuals with disabilities to discrimination on the basis of disability, nor may a public entity establish requirements for
the programs or activities of licensees or certified entities that subject qualified individuals with disabilities to discrimination on the basis of disability. The programs or activities of entities that are licensed or certified by a public entity are not, themselves, covered by this part.

(7) A public entity shall make reasonable modifications in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability, unless the public entity can demonstrate that making the modifications would fundamentally alter the nature of the service, program, or activity.

(8) A public entity shall not impose or apply eligibility criteria that screen out or tend to screen out an individual with a disability or any class of individuals with disabilities from fully and equally enjoying any service, program, or activity, unless such criteria can be shown to be necessary for the provision of the service, program, or activity being offered.

(c) Nothing in this part prohibits a public entity from providing benefits, services, or advantages to individuals with disabilities, or to a particular class of individuals with disabilities beyond those required by this part.

(d) A public entity shall administer services, programs, and activities in the most integrated setting appropriate to the needs of qualified individuals with disabilities.

(e)(1) Nothing in this part shall be construed to require an individual with a disability to accept an accommodation, aid, service, opportunity, or benefit provided under the ADA or this part which such individual chooses not to accept.

(2) Nothing in the Act or this part authorizes the representative or guardian of an individual with a disability to decline food, water, medical treatment, or medical services for that individual.

(f) A public entity may not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the costs of measures, such as the provision of auxiliary aids or program accessibility, that are required to provide that individual or group with the nondiscriminatory treatment required by the Act or this part.

(g) A public entity shall not exclude or otherwise deny equal services, programs, or activities to an individual or entity because of the known disability of an individual with whom the individual or entity is known to have a relationship or association.

§ 35.131 Illegal use of drugs.

(a) General. (1) Except as provided in paragraph (b) of this section, this part does not prohibit discrimination against an individual based on that individual's current illegal use of drugs.

(2) A public entity shall not discriminate on the basis of illegal use of drugs against an individual who is not engaging in current illegal use of drugs and who--

(i) Has successfully completed a supervised drug rehabilitation program or has otherwise been rehabilitated successfully;

(ii) Is participating in a supervised rehabilitation program; or

(iii) Is erroneously regarded as engaging in such use.

(b) Health and drug rehabilitation services. (1) A public entity shall not deny health services, or services provided in connection with drug rehabilitation, to an individual on the basis of that individual's current illegal use of drugs, if the individual is otherwise entitled to such services.

(2) A drug rehabilitation or treatment program may deny participation to individuals who engage in illegal use of drugs while they are in the program.

(c) Drug testing. (1) This part does not prohibit a public entity from adopting or administering reasonable policies or procedures, including but not limited to drug testing, designed to ensure that an individual who formerly engaged in the illegal use of drugs is not now engaging in current illegal use of drugs.

(2) Nothing in paragraph (c) of this section shall be construed to encourage, prohibit, restrict, or authorize the conduct of testing for the illegal use of drugs.

§ 35.132 Smoking.

This part does not preclude the prohibition of, or the imposition of restrictions on, smoking in transportation covered by this part.

§ 35.133 Maintenance of accessible features.

(a) A public accommodation shall maintain in operable working condition those features of facilities and equipment that are required to be readily accessible to and usable by persons with disabilities by the Act or this part.

(b) This section does not prohibit isolated or temporary interruptions in service or access due to maintenance or repairs.

§ 35.134 Retaliation or coercion.

(a) No private or public entity shall discriminate against any individual because that individual has opposed any act or practice made unlawful by this part, or because that individual made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under the Act or this part.
(b) No private or public entity shall coerce, intimidate, threaten, or interfere with any individual in the exercise or enjoyment of, or on account of his or her having exercised or enjoyed, or on account of his or her having aided or encouraged any other individual in the exercise or enjoyment of, any right granted or protected by the Act or this part.

§ 35.135 Personal devices and services.

This part does not require a public entity to provide to individuals with disabilities personal devices, such as wheelchairs; individually prescribed devices, such as prescription eyeglasses or hearing aids; readers for personal use or study; or services of a personal nature including assistance in eating, toileting, or dressing.

§§ 35.136-35.139 [Reserved]

Subpart C--Employment

§ 35.140 Employment discrimination prohibited.

(a) No qualified individual with a disability shall, on the basis of disability, be subjected to discrimination in employment under any service, program, or activity conducted by a public entity.

(b)(1) For purposes of this part, the requirements of title I of the Act, as established by the regulations of the Equal Employment Opportunity Commission in 29 CFR part 1630, apply to employment in any service, program, or activity conducted by a public entity if that public entity is also subject to the jurisdiction of title I.

(2) For the purposes of this part, the requirements of section 504 of the Rehabilitation Act of 1973, as established by the regulations of the Department of Justice in 28 CFR part 41, as those requirements pertain to employment, apply to employment in any service, program, or activity conducted by a public entity if that public entity is not also subject to the jurisdiction of title I.

§§ 35.141-35.148 [Reserved]

Subpart D--Program Accessibility

§ 35.149 Discrimination prohibited.

Except as otherwise provided in § 35.150, no qualified individual with a disability shall, because a public entity’s facilities are inaccessible to or unusable by individuals with disabilities, be excluded from participation in, or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any public entity.

§ 35.150 Existing facilities.

(a) General. A public entity shall operate each service, program, or activity so that the service, program, or activity, when viewed in its entirety, is readily accessible to and usable by individuals with disabilities. This paragraph does not--

(1) Necessarily require a public entity to make each of its existing facilities accessible to and usable by individuals with disabilities;

(2) Require a public entity to take any action that would threaten or destroy the historic significance of an historic property; or

(3) Require a public entity to take any action that it can demonstrate would result in a fundamental alteration in the nature of a service, program, or activity or in undue financial and administrative burdens. In those circumstances where personnel of the public entity believe that the proposed action would fundamentally alter the service, program, or activity or would result in undue financial and administrative burdens, a public entity has the burden of proving that compliance with § 35.150(a) of this part would result in such alteration or burdens. The decision that compliance would result in such alteration or burdens must be made by the head of a public entity or his or her designee after considering all resources available for use in the funding and operation of the service, program, or activity, and must be accompanied by a written statement of the reasons for reaching that conclusion. If an action would result in such an alteration or such burdens, a public entity shall take any other action that would not result in such an alteration or such burdens but would nevertheless ensure that individuals with disabilities receive the benefits or services provided by the public entity.

(b) Methods--(1) General. A public entity may comply with the requirements of this section through such means as redesign of equipment, reassignment of services to accessible buildings, assignment of aides to beneficiaries, home visits, delivery of services at alternate accessible sites, alteration of existing facilities and construction of new facilities, use of accessible rolling stock or other conveyances, or any other methods that result in making its services, programs, or activities readily accessible to and usable by individuals with disabilities. A public entity is not required to make structural changes in existing facilities where other methods are effective in achieving compliance with this section. A public entity, in making alterations to existing buildings, shall meet the accessibility requirements of § 35.151. In choosing among available methods for
meeting the requirements of this section, a public entity shall give priority to those methods that offer services, programs, and activities to qualified individuals with disabilities in the most integrated setting appropriate.

(2) Historic preservation programs. In meeting the requirements of § 35.150(a) in historic preservation programs, a public entity shall give priority to methods that provide physical access to individuals with disabilities. In cases where a physical alteration to an historic property is not required because of paragraph (a)(2) or (a)(3) of this section, alternative methods of achieving program accessibility include--

(i) Using audio-visual materials and devices to depict those portions of an historic property that cannot otherwise be made accessible;

(ii) Assigning persons to guide individuals with handicaps into or through portions of historic properties that cannot otherwise be made accessible; or

(iii) Adopting other innovative methods.

(c) Time period for compliance. Where structural changes in facilities are undertaken to comply with the obligations established under this section, such changes shall be made within three years of January 26, 1992, but in any event as expeditiously as possible.

(d) Transition plan. (1) In the event that structural changes to facilities will be undertaken to achieve program accessibility, a public entity that employs 50 or more persons shall develop, within six months of January 26, 1992, a transition plan setting forth the steps that will be taken during each year of the transition period; and

(iv) Indicate the official responsible for implementation of the plan.

(4) If a public entity has already complied with the transition plan requirement of a Federal agency regulation implementing section 504 of the Rehabilitation Act of 1973, then the requirements of this paragraph (d) shall apply only to those policies and practices that were not included in the previous transition plan.

§ 35.151 New construction and alterations.

(a) Design and construction. Each facility or part of a facility constructed by, on behalf of, or for the use of a public entity shall be designed and constructed in such manner that the facility or part of the facility is readily accessible to and usable by individuals with disabilities, if the construction was commenced after January 26, 1992.

(b) Alteration. Each facility or part of a facility altered by, on behalf of, or for the use of a public entity in a manner that affects or could affect the usability of the facility or part of the facility shall, to the maximum extent feasible, be altered in such manner that the altered portion of the facility is readily accessible to and usable by individuals with disabilities, if the alteration was commenced after January 26, 1992.

(c) Accessibility standards. Design, construction, or alteration of facilities in conformance with the Uniform Federal Accessibility Standards (UFAS) (Appendix A to 41 CFR part 101-19.6) or with the Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities (ADAAG) (Appendix A to 28 CFR part 36) shall be deemed to comply with the requirements of this section with respect to those facilities, except that the elevator exemption contained at section 4.1.3(5) and section 4.1.6(1)(j) of ADAAG shall not apply. Departures from particular requirements of either standard by the use of other methods shall be permitted when it is clearly evident that equivalent access to the facility or part of the facility is thereby provided.

(d) Alterations: Historic properties. (1) Alterations to historic properties shall comply, to the maximum extent feasible, with section 4.1.7 of UFAS or section 4.1.7 of ADAAG.

(2) If it is not feasible to provide physical access to an historic property in a manner that will not threaten or destroy the historic significance of the building or facility, alternative methods of access shall be provided pursuant to the requirements of § 35.150.

(e) Curb ramps. (1) Newly constructed or altered
§ 35.152-35.159 Reserved

Subpart E--Communications

§ 35.160 General.

(a) A public entity shall take appropriate steps to ensure that communications with applicants, participants, and members of the public with disabilities are as effective as communications with others.

(b)(1) A public entity shall furnish appropriate auxiliary aids and services where necessary to afford an individual with a disability an equal opportunity to participate in and enjoy the benefits of, a service, program, or activity conducted by a public entity.

(2) In determining what type of auxiliary aid and service is necessary, a public entity shall give primary consideration to the requests of the individual with disabilities.

§ 35.161 Telecommunication devices for the deaf (TDD's).

Where a public entity communicates by telephone with applicants and beneficiaries, TDD's or equally effective telecommunication systems shall be used to communicate with individuals with impaired hearing or speech.

§ 35.162 Telephone emergency services.

Telephone emergency services, including 911 services, shall provide direct access to individuals who use TDD's and computer modems.

§ 35.163 Information and signage.

(a) A public entity shall ensure that interested persons, including persons with impaired vision or hearing, can obtain information as to the existence and location of accessible services, activities, and facilities.

(b) A public entity shall provide signage at all inaccessible entrances to each of its facilities, directing users to an accessible entrance or to a location at which they can obtain information about accessible facilities. The international symbol for accessibility shall be used at each accessible entrance of a facility.

§ 35.164 Duties.

This subpart does not require a public entity to take any action that it can demonstrate would result in a fundamental alteration in the nature of a service, program, or activity or in undue financial and administrative burdens. In those circumstances where personnel of the public entity believe that the proposed action would fundamentally alter the service, program, or activity or would result in undue financial and administrative burdens, a public entity has the burden of proving that compliance with this subpart would result in such alteration or burdens. The decision that compliance would result in such alteration or burdens must be made by the head of the public entity or his or her designee after considering all resources available for use in the funding and operation of the service, program, or activity and must be accompanied by a written statement of the reasons for reaching that conclusion. If an action required to comply with this subpart would result in such an alteration or such burdens, a public entity shall take any other action that would not result in such an alteration or such burdens but would nevertheless ensure that, to the maximum extent possible, individuals with disabilities receive the benefits or services provided by the public entity.

§§ 35.165-35.169 Reserved

Subpart F--Compliance Procedures

§ 35.170 Complaints.

(a) Who may file. An individual who believes that he or she or a specific class of individuals has been subjected to discrimination on the basis of disability by a public entity may, by himself or herself or by an authorized representative, file a complaint under this part.

(b) Time for filing. A complaint must be filed not later than 180 days from the date of the alleged discrimination, unless the time for filing is extended by the designated agency for good cause shown. A complaint is deemed to be filed under this section on the date it is first filed with any Federal agency.

(c) Where to file. An individual may file a complaint with any agency that he or she believes to be the appropriate agency designated under subpart G of this part, or with any agency that provides funding to the public entity that is the subject of the complaint, or with the Department of Justice for referral as provided in § 35.171(a)(2).
§ 35.171 Acceptance of complaints.

(a) Receipt of complaints. (1)(i) Any Federal agency that receives a complaint of discrimination on the basis of disability by a public entity shall promptly review the complaint to determine whether it has jurisdiction over the complaint under section 504.

(ii) If the agency does not have section 504 jurisdiction, it shall promptly determine whether it is the designated agency under subpart G of this part responsible for complaints filed against that public entity.

(2)(i) If an agency other than the Department of Justice determines that it does not have section 504 jurisdiction and is not the designated agency, it shall promptly refer the complaint, and notify the complainant that it is referring the complaint to the Department of Justice.

(ii) When the Department of Justice receives a complaint for which it does not have jurisdiction under section 504 and is not the designated agency, it shall refer the complaint to an agency that does have jurisdiction under section 504 or to the appropriate agency designated in subpart G of this part or, in the case of an employment complaint that is also subject to title I of the Act, to the Equal Employment Opportunity Commission.

(3)(i) If the agency that receives a complaint has section 504 jurisdiction, it shall process the complaint according to its procedures for enforcing section 504.

(ii) If the agency that receives a complaint does not have section 504 jurisdiction, but is the designated agency, it shall process the complaint according to the procedures established by this subpart.

(b) Employment complaints. (1) If a complaint alleges employment discrimination subject to title I of the Act, and the agency has section 504 jurisdiction, the agency shall follow the procedures issued by the Department of Justice and the Equal Employment Opportunity Commission under section 107(b) of the Act.

(2) If a complaint alleges employment discrimination subject to title I of the Act, and the designated agency does not have section 504 jurisdiction, the agency shall refer the complaint to the Equal Employment Opportunity Commission for processing under title I of the Act.

(3) Complaints alleging employment discrimination subject to this part, but not to title I of the Act shall be processed in accordance with the procedures established by this subpart.

(c) Complete complaints. (1) A designated agency shall accept all complete complaints under this section and shall promptly notify the complainant and the public entity of the receipt and acceptance of the complaint.

(2) If the designated agency receives a complaint that is not complete, it shall notify the complainant and specify the additional information that is needed to make the complaint a complete complaint. If the complainant fails to complete the complaint, the designated agency shall close the complaint without prejudice.

§ 35.172 Resolution of complaints.

(a) The designated agency shall investigate each complete complaint, attempt informal resolution, and, if resolution is not achieved, issue to the complainant and the public entity a Letter of Findings that shall include--

(1) Findings of fact and conclusions of law;

(2) A description of a remedy for each violation found; and

(3) Notice of the rights available under paragraph (b) of this section.

(b) If the designated agency finds noncompliance, the procedures in §§ 35.173 and 35.174 shall be followed. At any time, the complainant may file a private suit pursuant to section 203 of the Act, whether or not the designated agency finds a violation.

§ 35.173 Voluntary compliance agreements.

(a) When the designated agency issues a noncompliance Letter of Findings, the designated agency shall--

(1) Notify the Assistant Attorney General by forwarding a copy of the Letter of Findings to the Assistant Attorney General; and

(2) Initiate negotiations with the public entity to secure compliance by voluntary means.

(b) Where the designated agency is able to secure voluntary compliance, the voluntary compliance agreement shall--

(1) Be in writing and signed by the parties;

(2) Address each cited violation;

(3) Specify the corrective or remedial action to be taken, within a stated period of time, to come into compliance;

(4) Provide assurance that discrimination will not recur, and

(5) Provide for enforcement by the Attorney General.

§ 35.174 Referral.

If the public entity declines to enter into voluntary compliance negotiations or if negotiations are unsuccessful, the designated agency shall refer the matter to the Attorney General with a recommendation for appropriate action.
§ 35.175 Attorney's fees.

In any action or administrative proceeding commenced pursuant to the Act or this part, the court or agency, in its discretion, may allow the prevailing party, other than the United States, a reasonable attorney's fee, including litigation expenses, and costs, and the United States shall be liable for the foregoing the same as a private individual.

§ 35.176 Alternative means of dispute resolution.

Where appropriate and to the extent authorized by law, the use of alternative means of dispute resolution, including settlement negotiations, conciliation, facilitation, mediation, fact-finding, mini-trials, and arbitration, is encouraged to resolve disputes arising under the Act and this part.

§ 35.177 Effect of unavailability of technical assistance.

A public entity shall not be excused from compliance with the requirements of this part because of any failure to receive technical assistance, including any failure in the development or dissemination of any technical assistance manual authorized by the Act.

§ 35.178 State immunity.

A State shall not be immune under the eleventh amendment to the Constitution of the United States from an action in Federal or State court of competent jurisdiction for a violation of this Act. In any action against a State for a violation of the requirements of this Act, remedies (including remedies both at law and in equity) are available for such a violation to the same extent as such remedies are available for such a violation in an action against any public or private entity other than a State.

§§ 35.179-35.189 [Reserved]

Subpart G--Designated Agencies

§ 35.190 Designated agencies.

(a) The Assistant Attorney General shall coordinate the compliance activities of Federal agencies with respect to State and local government components, and shall provide policy guidance and interpretations to designated agencies to ensure the consistent and effective implementation of the requirements of this part.

(b) The Federal agencies listed in paragraph (b)(1) through (8) of this section shall have responsibility for the implementation of subpart F of this part for components of State and local governments that exercise responsibilities, regulate, or administer services, programs, or activities in the following functional areas.

1. Department of Agriculture: All programs, services, and regulatory activities relating to farming and the raising of livestock, including extension services.

2. Department of Education: All programs, services, and regulatory activities relating to the operation of elementary and secondary education systems and institutions, institutions of higher education and vocational education (other than schools of medicine, dentistry, nursing, and other health-related schools), and libraries.

3. Department of Health and Human Services: All programs, services, and regulatory activities relating to the provision of health care and social services, including schools of medicine, dentistry, nursing, and other health-related schools, the operation of health care and social service providers and institutions, including “grass-roots” and community services organizations and programs, and preschool and daycare programs.

4. Department of Housing and Urban Development: All programs, services, and regulatory activities relating to state and local public housing, and housing assistance and referral.

5. Department of Interior: All programs, services, and regulatory activities relating to lands and natural resources, including parks and recreation, water and waste management, environmental protection, energy, historic and cultural preservation, and museums.

6. Department of Justice: All programs, services, and regulatory activities relating to law enforcement, public safety, and the administration of justice, including courts and correctional institutions; commerce, and industry, including general economic development, banking and finance, consumer protection, insurance, and small business; planning, development, and regulation (unless assigned to other designated agencies); state and local government support services (e.g., audit, personnel, comptroller, administrative services); all other government functions not assigned to other designated agencies.

7. Department of Labor: All programs, services, and regulatory activities relating to labor and the work force.

8. Department of Transportation: All programs, services, and regulatory activities relating to transportation, including highways, public transportation, traffic management (non-law enforcement), automobile licensing and inspection, and driver licensing.

(c) Responsibility for the implementation of subpart F of this part for components of State or local governments that exercise responsibilities, regulate, or administer
services, programs, or activities relating to functions not assigned to specific designated agencies by paragraph (b) of this section may be assigned to other specific agencies by the Department of Justice.

(d) If two or more agencies have apparent responsibility over a complaint, the Assistant Attorney General shall determine which one of the agencies shall be the designated agency for purposes of that complaint.

§§ 35.191-35.999 [Reserved]

Appendix A to Part 35--Preamble to Regulation on Nondiscrimination on the Basis of Disability in State and Local Government Services (Published July 26, 1991)

Note: For the convenience of the reader, this appendix contains the text of the preamble to the final regulation on nondiscrimination on the basis of disability in State and local government services beginning at the heading “Section-by-Section Analysis” and ending before “List of Subjects in 28 CFR Part 35” (56 FR (INSERT FR PAGE CITATIONS); July 26, 1991).


Dick Thornburgh,
Attorney General.

[FR Doc. 91-17368 Filed 7-25-91; 8:45 am]
BILLING CODE 4410-01-M
APPENDIX III

Code: GANA/JGCC

160-1-3-.03 COMMUNICABLE DISEASES

(1) DEFINITIONS.

(a) Communicable disease - a disease that can be directly or indirectly transmitted from one person to another.

(b) HIV infection - an infection in which the human immunodeficiency virus is present.

(2) REQUIREMENTS.

(a) Local units of administration (LUAs) shall not deny a student infected with a communicable disease an education solely because of the infection.

(b) All schools shall adopt routine procedures for handling blood and body fluids consistent with the Centers for Disease Control's Universal Precautions for Handling Blood and Body Fluids.

(c) Each LUA shall educate its employees about HIV infection and other communicable diseases, including transmission, risk reduction and universal precautions for handling blood and body fluids.

(d) If an LUA has reasonable cause to believe that a student or an employee has become infected with a communicable disease, the determination of a student's or employee's condition shall be based on reasonable medical judgment given the state of medical knowledge about:

1. The nature of the risk, i.e., how the disease is transmitted;
2. The duration of the risk, i.e., how long the carrier is infectious;
3. The severity of the risk, i.e., the degree of potential harm to third parties);
4. The probability that the disease will be transmitted and will cause varying degrees of harm.

(e) After consideration of the criteria set forth in 2(d), the LUA shall allow an infected student or employee to remain in his or her educational or employment setting unless he or she currently presents a significant risk of contagion as determined by the LUA after consultation with the student's or employee's physician, public health official knowledgeable about the disease and/or the LUA's physician (at LUA option).

(f) After a determination of the student's or employee's medical condition has been made using the criteria set forth in 2(d) and 2(e), the LUA, after consultation with the student's or employee's physician, or public health official knowledgeable about the disease and/or the LUA's physician (at the LUA's option), shall determine whether reasonable accommodation will allow the student to perform in the classroom or the employee to meet the essential functions of the job.
APPENDIX III

1. An accommodation is reasonable unless it imposes either an undue financial hardship or administrative burden on the LUA.

(g) Notwithstanding the requirements for evaluation of a student or an employee who may be infected with a communicable disease set forth hereinafter, an LUA may immediately remove a student or employee for a period of time not to exceed 10 calendar days from his or her educational or employment setting for the purpose of obtaining a reasonable medical judgment, as required by subsections (d) and (e), as to whether the student or employee constitutes a significant risk of contagion to others.

(h) An LUA shall not deny an individual employment based solely upon the individual's infection with a communicable disease unless the LUA, after consultation with the applicant's physician, a public health official knowledgeable about the disease and/or LUA physician (at LUA's option) determines that the communicable disease is of such nature or at a stage that the individual should not be in an LUA setting.

(i) An LUA shall not disclose medical information about a student or employee with HIV infection or other communicable disease without the consent of the employee or the student or his or her parent or guardian, whichever is applicable, or only as required by law or court order.

(j) Each LUA shall develop a policy addressing communicable diseases. The policy shall be consistent with this rule and the requirements of Section 504 of the Vocational Rehabilitation Act of 1973, amended, and any other applicable federal or state statute.

Authority O.C.G.A. §20-2-240.

Adopted: November 8, 1990 Effective: December 20, 1990

DOE: Office of State Superintendent of Schools Legal Assistant
APPENDIX IV

-- SAMPLE --

Grievance Procedures for
Complaints of Discrimination and Harassment
(Students and Employees)

The following grievance procedures may be used to provide prompt and equitable resolution of student and employee complaints of discrimination and harassment based on race, color, national origin, sex, and handicap/disability. Title IX of the Education Amendments of 1972 and Section 504 of the Rehabilitation Act of 1973 require that school systems adopt grievance procedures and designate compliance coordinators. It is a frequent and acceptable practice for one person to coordinate both Title IX and Section 504/ADA and be referred to as the Title IX/Section 504/ADA coordinator.

It may work well for one person to coordinate compliance activities of Title IX (gender), Section 504/ADA (handicap/disability), and the Civil Rights Act of 1964 (race, color, and national origin). For the purpose of this grievance procedures, the person who coordinates compliance of several civil rights laws is referred to as the Equity Coordinator. In some systems it may be effective for one person to be assigned responsibility for coordinating compliance for only one civil rights law. In writing a grievance procedures, use the term(s) which most appropriately apply to your school system.
-- SAMPLE --

Grievance Procedures for Complaints of Discrimination and Harassment (Students and Employees)

I. Definitions

A. Discrimination Complaint: A written or oral complaint alleging that a policy, procedure, or practice discriminates on the basis of race, color, national origin, sex, or handicapping/disabling condition.

B. Harassment Complaint: A written or oral complaint related to comments or conduct of supervisors, coworkers, or patrons which interfere with an employee's or student's performance or threatens an employee's or student's sense of well-being in the work or educational environment.

C. Student Grievant: A student of the (school system) who submits a complaint alleging discrimination or harassment based on race, color, national origin, sex, or handicapping/disabling condition.

D. Employee Grievant: An employee of the (school system) who submits a complaint alleging discrimination or harassment based on race, color, national origin, sex, or handicapping/disabling condition.

E. Title IX Coordinator: The person(s) designated to coordinate efforts to comply with and carry out responsibilities under Title IX of the Education Amendments of 1972 (legislation mandating non-discrimination based on gender). The Title IX coordinator is responsible for processing complaints and serves as moderator and recorder during hearings.

F. Section 504/ADA Coordinator: The person(s) designated to coordinate efforts to comply with and carry out responsibilities under Section 504 of the Rehabilitation Act of 1973 and ADA, etc. (legislation mandating nondiscrimination based on handicap/disability). The Section 504/ADA coordinator is responsible for processing complaints and serves as moderator and recorder during hearings.

G. Equity Coordinator: The person(s) designated to coordinate compliance activities of several civil rights laws including Title IX, Section 504/ADA, and the Civil Rights Act of 1964.

H. Respondent: The person alleged to be responsible for the violation described in a complaint. The term may be used to designate persons with responsibility for a particular action or those persons with supervisory responsibility for procedures and policies in those areas covered in the complaint.

I. Day: Day means a working day. The calculation of days in complaint processing shall exclude Saturdays, Sundays, and holidays.

J. Principal: The administrator of a public elementary, middle, or high school in which the alleged discrimination or harassment occurred.
APPENDIX IV

K. Local Board of Education: The board which governs the local school system in which the alleged discrimination or harassment occurred.

II. Pre-Filing Procedures

A. Prior to the filing of a written complaint, the student or employee is encouraged to visit with the Title IX, Section 504 or Equity Coordinator and to make a reasonable effort to resolve the problem or complaint.

III. Filing and Processing Discrimination Complaints

A. Grievant

Submits written complaint to Title IX, Section 504/ADA or Equity Coordinator stating the grievant’s name, nature, and date of alleged violation; names of persons responsible (where known); and requested action. Complaint must be submitted within 30 days of alleged violation. Complaint forms are available in school office or other designated area. The complaint should be signed by the grievant or his or her designee.

B. Title IX, Section 504/ADA, or Equity Coordinator

Contacts respondent within 10 days and asks respondent to:

1. Confirm or deny facts;
2. Indicate acceptance or rejection of student’s or employee’s requested action; or
3. Outline alternatives.

C. Respondent

Submits answer within 10 days to Title IX, Section 504/ADA, or Equity Coordinator.

D. Title IX, Section 504/ADA, or Equity Coordinator

Within 10 days after receiving respondent’s answer refers the written complaint and respondent’s answer to the principal or principal’s designee. The Title IX, Section 504/ADA, or Equity Coordinator also schedules a hearing with the grievant, the respondent, and the principal or other designee.

E. Principal, Grievant, Respondent, and Title IX, Section 504/ADA, Equity Coordinator

Hearing is conducted.

F. Principal

Within 10 days after the hearing, the principal issues a written decision to the student or employee, respondent, and Title IX, Section 504/ADA, or Equity Coordinator.

G. Grievant

If the grievant is not satisfied with the principal’s decision, he/she must notify either the Title IX, Section 504/ADA, or Equity Coordinator within 10 days and request a hearing with the superintendent.
APPENDIX IV

H. Title IX, Section 504/ADA, or Equity Coordinator

Within 10 days of request, schedules a hearing with the grievant and superintendent.

I. Superintendent, Grievant, Respondent, and Title IX, Section 504/ADA, or Equity Coordinator

Hearing is conducted.

J. Superintendent

Issues a decision within 10 days following the hearing.

K. Grievant

If the grievant is not satisfied with the superintendent’s decision, he/she must notify the Title IX, Section 504/ADA, or Equity Coordinator within 10 days and request a hearing with the local board of education.

L. Local Board of Education or Hearing Panel established by the Board, Grievant, Respondent, and Title IX, Section 504/ADA, or Equity Coordinator.

Hearing is conducted.

N. Local Board of Education

Issues a final written decision within 10 days after the hearing regarding the validity of the grievance and any action to be taken.

IV. General Provisions

A. Extension of Time: Any time limits set by these procedures may be extended by mutual consent of the parties involved. The total number of days from the date that the complaint is filed until the complaint is resolved shall be no more than 80.

B. Access to Regulations: The school system shall provide copies of all regulations prohibiting discrimination on the basis of race, color, national origin, sex, or handicapping/disabling condition, upon request.

C. Confidentiality of Records: Complaint records will remain confidential unless permission is given by the parties involved to release such information. No complaint record shall be entered in the personnel file. Complaint records shall be maintained on file for three years after complaint resolution.
Self Evaluation for Compliance with Section 504 and ADA

I. Introduction

104.6 of Section 504 of the Rehabilitation Act of 1973 regulations and 35.105 of the Americans with Disabilities Act regulations stipulate that school systems should conduct a self-evaluation to determine which policies and practices need to be eliminated or modified to proven accessibility for students and staff with disabilities. The following checklist is designed to assist school systems with evaluating the accessibility of programs and services to individuals with disabilities, as well as employment practices. School systems should review this checklist annually to ensure that no current policies and practices discriminate against individuals with disabilities. The completed self-evaluation should remain on file for possible review by the Office for Civil Rights.

A. Agency to be Evaluated

Name

Address

City ___________________ State _____________ Zip_____

Phone ___________________ 

B. Individual Conducting the Self Evaluation

Name

Title

Office Address

Phone ___________________
## II. Administrative Practices

### A. Compliance Process

1. Has a written assurance that your school system does not discriminate based on race, color, national origin, sex, or handicap/disability been submitted to the U.S. Department of Education?  
   - Yes  
   - No  
   - N/A

2. Has a Section 504/ADA coordinator been designated?  
   - Yes  
   - No  
   - N/A

3. Has a grievance procedure to handle complaints of discrimination been developed and implemented?  
   - Yes  
   - No  
   - N/A

### B. Dissemination of Information

#### External

1. Has your school system issued a notification to all interested persons of the existence and locations of services, activities, and facilities that are accessible to and usable by disabled persons? (The notification should be made accessible to persons with impaired vision or hearing.)  
   - Yes  
   - No  
   - N/A

2. Is a nondiscrimination notice included in written announcements?  
   - Yes  
   - No  
   - N/A

3. Is a nondiscrimination policy included in school system brochures and advertising?  
   - Yes  
   - No  
   - N/A

4. Has your school system notified students, parents, staff, and the general public of its nondiscrimination policy by publishing it in newspapers, news bulletins, or other publications?  
   - Yes  
   - No  
   - N/A

5. Does your school system maintain a copy of published notices of nondiscrimination?  
   - Yes  
   - No  
   - N/A

#### Internal

1. Have current policies, practices and procedures been evaluated for compliance with Section 504, ADA and other civil rights laws?  
   - Yes  
   - No  
   - N/A
APPENDIX V

2. Are internal procedures established for insuring implementation of Section 504/ADA policies and practices?

3. Did individuals with disabilities assist in the evaluation of your current practices and procedures?

4. Does your school system's policy and procedures manual include a policy statement in compliance with Section 504/ADA?

5. Do executive, management, and supervisory personnel meet to insure implementation of Section 504/ADA policies?

6. Are meetings with all employees conducted to foster understanding, acceptance and support of civil rights compliance including Section 504/ADA?

C. Contracts and Agreements

1. Do contracts and agreements include a clause stipulating adherence to the school system's nondiscrimination policies?

2. Are nondiscriminatory clauses included in all union agreements?

III. Employment Practices

A. Recruitment

1. Are organizations of individuals with disabilities or related service agencies contacted for advice, technical assistance, and referrals?

2. Are individuals with disabilities invited to participate in career day orientations and activities?

3. Do promotional and recruitment advertising text and pictures present a fair representation of a diverse population, including individuals with disabilities?

4. Do student work-study programs provide opportunities for eligible students with disabilities?

5. Do applications and recruitment literature include the school system's nondiscrimination policy?
## APPENDIX V

### B. Job Vacancies

1. Before submitting a requisition to fill a vacancy, are requirements reviewed to ensure that physical and mental qualifications are essential to the job?

2. Do promotions of disabled employees to vacant positions occur at a similar rate as promotions for non-disabled persons?

3. Are promotion decisions related to employees with disabilities reviewed to ensure that they are based on job qualifications rather than disability?

### C. Job Interviews

1. Do hiring supervisors participate in staff development activities which provide training related to interviewing applicants with disabilities?

2. Are hiring supervisors aware of where and how to obtain assistance to interview a deaf candidate?

3. Are hiring supervisors aware of the requirement that all questions asked in the job interview must be related to duties and responsibilities of the vacant position?

### D. Physical Examinations

1. Where physical and/or mental abilities are conditions of employment for a specific job, are there written job performance standards?

2. If physical examinations are part of the preemployment process for all applicants, are these standards given to the examining physician?

3. Does the physical examination policy provide equal treatment of all employees regardless of disability?

4. In an effort to provide reasonable accommodations, have all employees been invited to voluntarily identify themselves as disabled?

5. If employees have identified themselves as having a disability is this information kept confidential unless disclosed to provide reasonable accommodations or assistance for safety reasons?
### APPENDIX V

6. Are reasonable accommodations made for employees with disabilities?

<table>
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<tr>
<th></th>
<th>Yes</th>
<th>No</th>
<th>N/A</th>
</tr>
</thead>
</table>

7. Have any employees with disabilities requested reasonable accommodations and not received them?

<table>
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<tr>
<th></th>
<th>Yes</th>
<th>No</th>
<th>N/A</th>
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8. Has a procedure been implemented which ensures follow-up on each request for modification in the workplace to accommodate the limitations of employees with disabilities?

<table>
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<tr>
<th></th>
<th>Yes</th>
<th>No</th>
<th>N/A</th>
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9. Were requests for reasonable accommodations denied because of undue hardship?

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<th></th>
<th>Yes</th>
<th>No</th>
<th>N/A</th>
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10. Is there documentation on file which supports denial of a reasonable accommodation because of undue hardship?

<table>
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<th></th>
<th>Yes</th>
<th>No</th>
<th>N/A</th>
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</table>

### Personnel Practices

1. Are policies and procedures related to the following activities reviewed annually to include reasonable accommodations and to eliminate discrimination against persons with disabilities?

<table>
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<tr>
<th></th>
<th>Yes</th>
<th>No</th>
<th>N/A</th>
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</table>

   a. Processing of applications?
   b. Job classifications?
   c. Job descriptions?
   d. Employment tests or selection criteria?
   e. Administration of tests?
   f. Rates of pay, benefits, or other compensation?
   g. Work schedule?
   h. Classification of new positions and reclassification and declassification of other positions?
   i. Performance evaluations?
   j. Leave? (annual, sick, personal, compensatory time, etc.)
   k. Fringe benefits?
   l. Staff development?
   m. Attendance at job-related conferences and seminars?
   n. Promotions?
   o. Transfers?
   p. Lay-offs?
   q. Terminations?
   r. Re-employment?
   s. Re-instatement?
   t. Employer-sponsored activities?
   u. Grievance process?
IV. Program Accessibility

A. Are all programs and services accessible to and usable by individuals with disabilities?

B. Have the following been accomplished to ensure program accessibility?

1. Modification of existing facilities?

2. Where appropriate, assignment of personnel or auxiliary aids to students or employees with disabilities?

3. Home study provided where appropriate?

4. Health, welfare, education, social, and other services delivered at alternative sites?

5. Redesign of equipment to accommodate employees or students with disabilities?

C. In selecting alternative plans has priority been given to those methods that allow disabled persons to participate in programs or activities in the most integrated setting?

1. List any outside persons and organizations involved in testing and/or collecting or evaluating admissions criteria?

2. Have the testing practices and procedures of these agencies been reviewed for discrimination?

3. Are there school systems/school boards, councils, or committees on which disabled students or employees sit?
APPENDIX V

4. List sources to be used (including names, addresses and telephone numbers) whenever auxiliary aids (e.g.,
interpreters, readers, braille materials) are required to ensure nondiscrimination against persons with disabilities.

5. List all facilities (including building structures, equipment, roads, walks, parking lots, or other property
owned, operated or leased) used for school programs and activities. Indicate how these facilities have been
made accessible to individuals with disabilities.
BIBLIOGRAPHY


Americans With Disabilities Act, Questions and Answers for Educational Administrators, The University of New York, Office of Vocational and Educational Service for Individuals with Disabilities.


Federal Register/Vol. 45, No. 92/Friday, May 9, 1990/Rules and Regulations (Section 504).


Federal law prohibits discrimination on the basis of race, color or national origin (Title VI of the Civil Rights Act of 1964); sex (Title IX of the Educational Amendments of 1972 and the Carl D. Perkins Vocational and Applied Technology Education Act of 1990); or disability (Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990) in educational programs or activities receiving federal financial assistance.

Employees, students and the general public are hereby notified that the Georgia Department of Education does not discriminate in any educational programs or activities or in employment policies or practices.

The following individuals have been designated as the employees responsible for coordinating the department's effort to implement this nondiscriminatory policy.

Perkins Act – Sue Dohrmann, Vocational Equity Coordinator (404) 657-8304
Title VI – Betsy Howerton, Legal Services (404) 656-4689
Title IX – Betsy Howerton, Legal Services (404) 656-4689
Section 504 and the ADA – Betsy Howerton, Legal Services (404) 656-4689

Inquiries concerning the application of the Perkins Act, Title VI, Title IX or Section 504 and ADA to the policies and practices of the department may be addressed to the Georgia Department of Education, Twin Towers East, Atlanta, Georgia 30334, (404) 656-2800; to the Regional Office for Civil Rights, U.S. Department of Education, 61 Forsyth Street, Suite 19T70, Atlanta, Georgia 30303; or to the Director, Office for Civil Rights, U.S. Department of Education, Washington, D.C. 20201.