

FACT SHEET ABOUT

Basic Requirements of Section 504 of the Rehabilitation Act of 1973, as amended, for Federally Conducted Programs

Section 504 of the Rehabilitation Act of 1973 (504), as amended, prohibits discrimination on the basis of disability in all aspects of recipient operations and all facets of employment.

- Covers only federally conducted programs (employment aspects covered by section 501 of Rehabilitation Act and enforced by Civil Rights Act, Title VII requirements)
- Program accessibility, structural and non-structural (policies and communication), is required in new and existing programs
- Exceptions for existing programs are undue burden; alter fundamental nature of program, or direct threat to others
- Programs must be offered in the most integrated setting possible and provide opportunities for equal achievement
- Notification must be provided continuously to beneficiaries and participants that programs are open to all on a non-discriminatory basis regardless of one's disability. The notification must, also, describe how and to which Federal agency one may complain.
- Contractual or other agreements must not discriminate
- A self-evaluation is required, by March 4, 1988, of all programs
- A transition plan for structural corrections is required by August 4, 1987
- Non-structural non-compliance uncovered in self-evaluation process is to be corrected within 60 days
- The Agency must demonstrate that it would be an undue burden, alter the fundamental nature of the program, or be a direct threat to others to exempt it from making an existing program accessible
- If one of these exceptions is demonstrated, the Agency must provide an alternative effective method of access such as reassignment to another accessible facility, redesign of equipment, assignment of aides to beneficiaries, alteration or construction of new facilities, etc.
- Effective May 8, 2006, General Services Administration, as the lead access design standard setting agency for the Department of the Interior and other agencies, approved the use of the Access Board's new Architectural Barriers Act Accessibility Standards (ABAAS) for all Federally conducted programs. This includes Federal facilities



such as National Parks and Refuges. ABAAS is also to be used as the standard for federally assisted facilities where Federal assistance was used fully or partly for construction of the specific facility. Program facilities that were constructed prior to May 8, 2006, and that met the requirements of Americans with Disabilities Act Accessibility Guidelines (ADAAG) or Uniform Federal Accessibility Standards (UFAS) are in compliance. However, if program facilities constructed prior to May 8, 2006, did not comply with ADAAG or UFAS, then compliance with ABAAS is required.

- Agency is not required to substantially impair a historical facility for access (however, recipients must provide effective alternative methods for access)
- Agency shall take appropriate steps to ensure effective communication with participants
- Agency shall furnish appropriate auxiliary aids where necessary giving primary consideration to the requests of the individual with a disability
- Complaints must be filed within 180 days of alleged discrimination
- Agency shall, within 180 days, investigate and provide complainant with its findings
- Complainant may file appeal of findings within 90 days to the Deputy Secretary

