

TABLE OF CONTENTS

Newsletters

Tab 100: How To Use Handbook	
Our Approach to Section 504 Compliance	¶100
Relationship With ADA, IDEA and Other Laws.....	¶110
Coordination with ADA.....	¶111
Overlap With IDEA.....	¶112
State Laws.....	¶113
How To Use This Handbook	¶120

Tab 200: Overview of Section 504 and the Governmental Regulations	
Background on the Law and Regulations.....	¶200
Purpose, Application and Coverage	¶210
Definition of ‘Person With Disability’	¶211
Major Life Activity	¶212
Correctable Conditions	¶213
Individuals With Record of or Regarded as Having Disability	¶214
Substance Abusers	¶215
Persons With Contagious Diseases	¶216
Obesity as Disability	¶217
General Prohibitions Affecting Recipients of Federal Funds.....	¶220
Equal Opportunity.....	¶221
Prohibiting Discriminatory Practices.....	¶222
Prohibition Against Perpetuating Discrimination Through ‘Significant Assistance’.....	¶223
Accessible Communication	¶224
Section 504 Coordinator	¶225
Requirements for Interagency Cooperation.....	¶230
Role of Interagency Disability Coordinating Council.....	¶231
[Reserved]	¶240
Section 504 and Other Federal Laws	¶250
Coordination With Sections 501, 502 and 503	¶251
Section 504 and ADA.....	¶252

Tab 300: Program Accessibility	
Introduction to Program Accessibility	
Requirements.....	¶300
‘Otherwise Qualified’ Program Participants	¶301
Focus on Programs, Not Buildings	¶302
Provision of Auxiliary Aids	¶303
Reasonable Accommodations in Programs.....	¶304
Assistance Animals	¶305
Fundamental Alterations Not Required	¶306
Covered Programs and Services.....	¶310
Definition of ‘Program or Activity’.....	¶311
No Affirmative Action Required.....	¶312
Self-Evaluation	¶313
Alternatives to Structural Changes	¶314
Transit Services and ADA.....	¶315
Viewing Program in Its Entirety.....	¶320
Most Integrated Setting Appropriate.....	¶330

Tab 400: General Architectural Accessibility Requirements

Structural Accessibility	¶400
Readily Accessible and Usable	¶401
Accessibility Standards.....	¶402
Coordination With State and Local Codes.....	¶403
Existing Facilities	¶410
Nonstructural Options.....	¶411
Leased Existing Facilities	¶412
Leasing Out.....	¶413
Historic Properties	¶414
Necessary Structural Changes.....	¶415
Alterations to Existing Structures	¶420
Major vs. Minor Alterations	¶421
Paths of Travel to Altered Areas	¶422
New Construction	¶430
Parking.....	¶431
Signs.....	¶432
Entrances, Doors and Halls.....	¶433
Elevators and Stairwells.....	¶434
Restrooms	¶435
Offices and Work Areas	¶436
Assembly Areas	¶437
Recreation Facilities.....	¶438
Emergency Response Plans	¶439
Section 504 and Other Laws Applicable to Housing	¶440
Who Is Covered	¶441
Discrimination Prohibited.....	¶442
Accessibility Requirements	¶443
Reasonable Accommodations	¶444
Fair Housing Act.....	¶445
Section 504 and Fair Housing Act	¶446
Self-Evaluation	¶447
Americans With Disabilities Act.....	¶448
Architectural Barriers Act.....	¶449

Tab 500: Accommodation Tools

Central Role of Accommodations in	
Section 504 Compliance.....	¶500
Accommodations Users and Equipment.....	¶510
Aids and Devices	¶511
Input Aids.....	¶512
Output Devices.....	¶513
Telecommunications Aids.....	¶514
Telecommuting	¶515
Job Training	¶516
Alternative Formats	¶517
Accommodations — Functional Examples.....	¶520
Employment Accommodations Options	¶521
Program Access Strategies.....	¶522
Accommodations — Employees With Disabilities.....	¶530
Employees With Hearing Impairments.....	¶531
Workers With Mobility Impairments	¶532

Table of Contents (Cont'd)

Tab 500 (cont'd)

Employees With Visual Impairments.....	¶533
Staff With Hidden Disabilities.....	¶534
Employees With Psychiatric Disabilities.....	¶535
Workers With Learning Disabilities.....	¶536
Requirements for Making Technology Accessible.....	¶540
Teletypewriters and 911 Emergency Services.....	¶541
Telecommunications Relay Services.....	¶542
Accessible Computers, Standard Telephones and Other Equipment.....	¶543
Web Sites.....	¶544
Captioning and Video Description.....	¶545
Enforcement of Title IV of ADA and Telecommunications Act.....	¶546
[Reserved].....	¶547-¶548
Electronic Access and Other Accommodations Resources ¶549	

Tab 600: Section 504 and Employment Practices

General Employment Principles.....	¶600
Section 504 and ADA's Title I.....	¶601
Discrimination in Employment.....	¶602
Harassment.....	¶603
Section 504 and Federal Employment.....	¶604
Employers of Temporary Workers and Independent Contractors.....	¶605
Which Employees Are Covered.....	¶610
Defining 'Disability'.....	¶611
What Are Major Life Activities.....	¶612
Effect of Mitigating Measures.....	¶613
Who Are Qualified Individuals With Disabilities.....	¶614
Essential and Marginal Job Functions.....	¶615
Substance Abuse.....	¶616
Health and Safety Considerations.....	¶617
Record of or Regarded as Having Disabilities.....	¶618
Relationship or Association With Persons With Disabilities.....	¶619
Pre-employment Considerations.....	¶620
Accessibility.....	¶621
Employment Tests and Qualification Standards.....	¶622
Application Forms.....	¶623
Interviews.....	¶624
Pre-employment Tests.....	¶625
Background and Reference Checks.....	¶626
Advertising for Job Opportunities; Recruiting.....	¶627
Licenses.....	¶628
Voluntary Self-Identification Under Affirmative Action Plans.....	¶629
Physical Examinations and Insurance Benefits.....	¶630
Permitted Medical Examinations.....	¶631
What Are Medical Examinations.....	¶632
Post-Offer Medical Questions and Examinations.....	¶633
Certification and Family and Medical Leave Act.....	¶634
Drug and Alcohol Policies.....	¶635

Drug Testing.....	¶636
Workers' Compensation and Section 504.....	¶637
Leaves of Absence Following Work Injuries.....	¶638
Health and Life Insurance.....	¶639
Reasonable Accommodations for Employees With Disabilities.....	¶640
Defining Reasonable Accommodation.....	¶641
Undue Hardship Defense to Accommodation.....	¶642
Modifications to Work Environment.....	¶643
Auxiliary Aids.....	¶644
Job Restructuring or Reassignment.....	¶645
Leave.....	¶646
Reasonable Accommodation Interactive Process.....	¶647
Tax Incentives for Employers.....	¶648
Administrative Requirements.....	¶650
Collective Bargaining Agreements and Other Contractual Arrangements.....	¶660
State and Local Government Employment and ADA.....	¶670
Section 504, ADA and State EEO Laws.....	¶680
Section 504 and ADA Workforce Training.....	¶690
Training Mid-level Managers.....	¶691
Training Employees.....	¶692
Selecting Trainers and Format.....	¶693
[Reserved].....	¶694-¶697
Sample Handouts for Supervisors.....	¶698
Sample Handouts for Employees.....	¶699

Tab 700: Overview of Section 503

Affirmative Action Requirements of Section 503.....	¶700
Coverage.....	¶710
Section 503 and Substance Abuse.....	¶711
Section 503 and Contagious Diseases.....	¶712
No Discrimination in Employment.....	¶720
Nondiscriminatory Terms and Conditions of Employment Under Section 503.....	¶721
Section 503's Reasonable Accommodation Duty.....	¶722
Affirmative Action Program.....	¶730
Affirmative Action Clause.....	¶731
Creating and Maintaining AAP.....	¶732
Internal Policy.....	¶733
Inclusion of Antidiscrimination Clause in Union Agreement.....	¶734
Effective Recruitment Program.....	¶735
Invitation to Self-Disclose.....	¶736
Affirmative Action Official.....	¶737
Recordkeeping Requirements.....	¶738
Waivers.....	¶740
'Separate and Distinct' Facility.....	¶741
Interference With Section 503's Implementation.....	¶742
Waivers for Foreign Work and National Security Reasons.....	¶743
OFCCP Enforcement.....	¶750

Table of Contents (Cont'd)

Tab 700 (cont'd)

Complaint Procedures	¶751
Consequences of Noncompliance With Section 503	¶752
No Private Right of Action Under Section 503	¶753
Coordinating Section 503 and ADA Complaints	¶754
Compliance Reviews	¶755
Retaliation Prohibited	¶756

Tab 800: Section 504 Compliance and Enforcement

Governmentwide Coordination	¶800
Federal Agencies' Enforcement Procedures	¶810
Compliance Reviews	¶820
Enforcement in Employment Cases	¶830
Consequences of Noncompliance	¶840
Administrative Sanctions	¶841
Private Right of Action	¶842
Court Remedies	¶843
Sovereign Immunity	¶844
Eleventh Amendment Immunity	¶845

Tab 900: Pre-School, K-12 and Post-Secondary Education

Introduction and Overview	¶900
Preschool Education	¶901
K-12 — Section 504 and Individuals With Disabilities Education Act	¶910
Free Appropriate Public Education	¶911
Child-Find Duty	¶912
Individualized Education Program	¶913
Teacher Qualifications	¶914
Discipline	¶915
Other Procedural Safeguards	¶916
State Use of IDEA Funds	¶917
Local Educational Agency IDEA Expenditures	¶918
Remedies	¶919
Coordination of Section 504 With No Child Left Behind Act	¶920
Disability Discrimination Issues in Higher Education	¶930
Self-Identification and Eligibility for Services	¶931
Major Adjustments Not Required by Post-Secondary Institutions	¶932
Admissions	¶933
Course Substitutions	¶934
Student Housing	¶935
Higher Education Transportation Services	¶936
Employment at Colleges and Universities	¶937
Medical Programs	¶938
Other University Programs and Activities	¶939
Accommodations for Post-Secondary Students With Disabilities	¶940
Students With Hearing Impairments	¶941
Students With Learning Disabilities and Attention Deficit/Hyperactivity Disorder	¶942

Individuals With Mobility and Manual Dexterity Impairments	¶943
Persons With Psychological Disabilities and Substance Abuse Problems	¶944
Persons With Visual Impairments at Colleges and Universities	¶945
Tools for Educators	¶946
Enforcement — OCR Decisions	¶950
Grievance Procedures	¶951
Retaliation	¶952
Direct Threat	¶953
[Reserved]	¶960
Resources for Students, Faculty and Service Providers	¶970
Technical Assistance for Faculty	¶971
Higher Education Grants	¶972

Tab 1000: Americans With Disabilities Act

Introduction	¶1000
Scope of Coverage	¶1001
State and Local Disability Laws	¶1002
Relationship to Section 504	¶1010
'Disability' Definition Based on Section 504	¶1011
Coverage of Substance Abuse	¶1012
Differences Between Laws	¶1013
Employment Considerations	¶1020
Who Is Covered	¶1021
Discrimination in Employment	¶1022
Pre-employment Questions and Medical Examinations Prohibited	¶1023
Reasonable Accommodations	¶1024
Contractual Arrangements	¶1025
Health and Safety Considerations	¶1026
Posting Notices	¶1027
Provisions Affecting State and Local Governments	¶1030
Services, Programs and Activities Covered by Title II	¶1031
Requirements Unique to State and Local Governments	¶1032
Employment Is Covered Program	¶1033
Accessibility in Communications	¶1034
Public Accommodations Provisions	¶1040
Definition of 'Public Accommodation'	¶1041
Exclusions	¶1042
Scope of Title III's Application	¶1043
Discrimination in Public Accommodations	¶1044
Discriminatory Effect Prohibited	¶1045
Removal of Architectural Barriers	¶1046
Tax Incentives for Barrier Removal	¶1047
Reasonable Modifications	¶1048
Accessibility Standards	¶1049
Enforcement	¶1050
Enforcement in Employment Cases	¶1051
Defenses	¶1052

Table of Contents (Cont'd)

Tab 1000 (cont'd)

Title I Relief.....	¶1053
State and Local Government Employees.....	¶1054
Enforcement in State and Local Government Services.....	¶1055
Title II Remedies.....	¶1056
Title II Private Enforcement.....	¶1057
Enforcing Access to Public Accommodations and Services.....	¶1058
Enforcing Telecommunications Relay Services Provisions.....	¶1059
Public and Private Transportation.....	¶1060
General Transportation Requirements.....	¶1061
Public Transportation Vehicles in Fixed Route Systems.....	¶1062
Rapid- and Light-Rail Vehicles Operated by Public Entities.....	¶1063
Facilities in Public Fixed Route Systems.....	¶1064
Paratransit.....	¶1065
Amtrak and Commuter Rail Transportation.....	¶1066
Private Transportation Vehicles.....	¶1067
Over-the-Road Bus Stations, Boat Facilities and Airports.....	¶1068
Schools' and Other Institutions' Incidental Transportation.....	¶1069

Appendix I: Glossary of Terms

Appendix II: Sources for Answers to Individual Questions

Technical Assistance From Federal Agencies
Information on Persons With Specific Disabilities

Appendix III: Laws, Regulations and Orders Statutes

Excerpts From the Rehabilitation Act of 1973
Architectural Barriers Act of 1968
Americans With Disabilities Act of 1990
Excerpts From Individuals With Disabilities Education
Act

Governmentwide Section 504 Regulations Excerpts From Individuals With Disabilities Education Act Regulations

Departments of Education and Health and Human
Services Interpretations and Memoranda

Department of Education Questions and Answers on
Discipline Procedures

Department of Education Questions and Answers on
Serving Children with Disabilities Eligible for Trans-
portation

Excerpts From Policy Guidance on Educating Blind and
Visually Impaired Students

Executive Orders

Executive Order 12250
Executive Order 13078
Executive Order 13164

Section 504 Opinions and Interpretations

Department of Education
Department of Health and Human Services
National Endowment for the Arts
Interagency Coordinating Council

ADA Regulations

Title I (Equal Employment Opportunity Commission)
EEOC *Interim Enforcement Guidance: Application
of the ADA to Disability-Based Distinctions in
Employer-Provided Health Insurance*

EEOC *Enforcement Guidance: Pre-employment
Disability-Related Questions and Medical
Examinations*

Title II (Department of Justice)

ADA/Section 503 Coordinating Rules (EEOC and
Office of Federal Contract Compliance Programs)
ADA/Section 504 Coordinating Rules (EEOC and
Department of Justice)

EEOC *Guidance on the Definition of the Term
"Disability"*

EEOC *Enforcement Guidance: Workers' Compen-
sation and the ADA*

EEOC *Enforcement Guidance: The ADA and
Psychiatric Disabilities*

EEOC *Enforcement Guidance: Reasonable
Accommodation and Undue Hardship Under the
ADA*

EEOC *Enforcement Guidance: Disability-Related
Inquiries and Medical Examinations of Employ-
ees Under the ADA*

Appendix IV: Court Cases

U.S. Courts of Appeals Chart

Court Case Summaries

Summaries of U.S. Supreme Court Decisions

Appendix V: Accessibility Standards

Uniform Federal Accessibility Standards

ADA Accessibility Guidelines

Appendix VI: Self-Evaluation and Checklist

Appendix VII: Technical Information

Charts, Outlines and Forms

Survey of State Laws Prohibiting Discrimination Based on
Disability

Index

General Index

Court Cases Alphabetical Index

Court Cases Subject Index

Table of Contents (Cont'd)

List of Figures

<i>Handbook Practice Tools</i> , ¶100	Fig. 100
Disability Defined, ¶211	Fig. 211
Applicable Accessibility Standards Under Section 504 and ADA, ¶402.....	Fig. 402
Examples of Nonstructural Ways To Make Programs Accessible	Fig. 411
Parking Spaces	Fig. 431
Seating in Assembly Areas.....	Fig. 437
Checklist for Workstations.....	Fig. 532-A
Checklist for Worksites.....	Fig. 532-B
Telecommunications Relay Services Directory, ¶542.....	Fig. 542
Web Accessibility Quick Tips, ¶544	Fig. 544
Sample Position Description Form, ¶615	Fig. 615
List of Pathogens Transmitted Through Food Handling, ¶617.....	Fig. 617
Flow Chart of Reasonable Accommodation Process, ¶647.....	Fig. 647
Characteristics of Alternate Assessments, ¶920.....	Fig. 920-A
Comparison of Section 504 of the Rehabilitation Act and the Americans With Disabilities Act in Educational Settings.....	Fig. 920-B
ADA Coverage, ¶1001	Fig. 1001
Public Accommodations, ¶1041.....	Fig. 1041
Required Structural Accommodations Under Title III, ¶1046.....	Fig. 1046
Federal Tax Incentives for Barrier Removal, ¶1047	Fig. 1047-A
Checklist of Expenses Eligible for the Barrier Removal Deduction, ¶1047	Fig. 1047-B
ADA's Enforcement Provisions, ¶1050	Fig. 1050
Maximum Potential Demand, ¶1065	Fig. 1065
Pre-employment Disability-Related Inquiries	Fig. Appendix VII-A
Post-Offer Pre-employment Medical Examinations.....	Fig. Appendix VII-B
Section 504 Transition Plan Outline	Fig. Appendix VII-C
Section 504/ADA Grievance Procedure ..	Fig. Appendix VII-D
Sample Initial Notice	Fig. Appendix VII-E
Sample Equal Employment Opportunity Statement.....	Fig. Appendix VII-F
Checklist for Complying With Section 504/ ADA Administrative Requirements	Fig. Appendix VII-G