

## FACT SHEET ABOUT

# Basic Requirements of Section 504 of the Rehabilitation Act of 1973, as amended, Federal Assistance (FA) 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 recipients of federal assistance
- Enforcement procedures applicable to Civil Rights Act, Title VI apply to 504 FA
- 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
- Recipients must provide signed assurances of compliance with every assistance application
- Entire system is covered not just the part directly receiving funds
- Federal financial assistance is more than money-land, supplies, etc.
- Primary recipients must impose same requirements on sub-recipients as is imposed by 504 on them (i.e. pre and post award compliance reviews)
- Notification must be provided continuously to beneficiaries and participants that recipient 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
- Services, financial aid, or other benefits provided by the recipient cannot be denied, provided differently or in a segregated manner
- A self-evaluation is required (by July 6, 1983) of all programs
- A transition plan for structural corrections is required by July 6, 1983
- Non-structural non-compliance uncovered in self-evaluation process is to be corrected within sixty days
- Recipients are required to designate a responsible employee and adopt a grievance procedure



- Recipients are required to provide reasonable accommodation to applicants and employees with disabilities (EEOC coordinating rule provides that EEOC will enforce employment aspects of 504)
- A recipient 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 recipient 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.
- Conformance with the Uniform Federal Accessibility Standards (UFAS) is deemed to comply (Department of Justice/Department of the Interior administratively required that requirements of the Americans with Disabilities Act Accessibility Guidelines (ADAAG), where equal to or greater than UFAS is the design requirement) (Architectural Barriers Act Accessibility Standards are to be used as the standard for federally assisted facilities where Federal assistance was used fully or partly used for construction of the specific facility. Program facilities that were constructed prior to May 8, 2006, and that met the requirements of ADAAG or 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)
- Recipients are not required to substantially impair a historical facility for access (however, recipients must provide effective alternative methods for access)

