

NONDISCRIMINATION FOR INDIVIDUALS WITH DISABILITIES IN DHS-CONDUCTED PROGRAMS AND ACTIVITIES (NON-EMPLOYMENT)

I. Purpose

This Directive establishes the Department of Homeland Security (DHS) policy and implementation mechanisms for ensuring nondiscrimination for individuals with disabilities served by DHS-conducted programs and activities under Section 504 of the Rehabilitation Act of 1973, as amended (Section 504).

II. Scope

This Directive applies throughout DHS, except for programs or activities conducted outside the United States that do not involve individuals with a disability in the United States.

III. Authorities

- A. The Rehabilitation Act of 1973, as amended, Public Law (Pub.L.) 93-112, 29 United States Code (U.S.C.) 794 *et seq.*
- B. The Americans with Disabilities Act Amendments Act of 2008 (effective January 1, 2009), Pub. L. 110-325, 42 U.S.C. 12101 *et seq.*
- C. The Architectural Barriers Act of 1968, as amended, Pub. L. 90-480, 42 U.S.C. 4151 *et seq.*
- D. Title 6, Code of Federal Regulations part 15: Enforcement of Nondiscrimination on the Basis of Disability in Programs or Activities Conducted by the Department of Homeland Security
- E. Delegation 19003, "Delegation to the Officer for Civil Rights and Civil Liberties for Matters involving Civil Rights and Civil Liberties, including Equal Employment Opportunity and Workplace Diversity"

IV. Responsibilities

- A. The ***Officer for Civil Rights and Civil Liberties*** manages the execution of this Directive consistent with the provisions of Delegation 19003.
- B. The ***Component Heads*** oversee implementation of the policy and requirements of this Directive throughout their Component-conducted programs and activities.

V. Policy and Requirements

- A. ***Policy:***
 - 1. It is the policy of DHS to ensure nondiscrimination based on disability in DHS-conducted programs and activities, and for DHS Components to provide equal opportunity for qualified individuals with disabilities served or encountered in DHS-conducted programs and activities, through:
 - a. Program accessibility, including by providing equal opportunity to access programs, services, and activities and delivering these in the most integrated setting appropriate to the individual's needs;
 - b. Physical access, including by providing accessible new construction and alterations in accordance with the Architectural Barriers Act of 1968 (as amended) and the Department's Section 504 regulation; and
 - c. Effective communication, including by providing auxiliary aids and services for persons who are deaf or hard of hearing or are blind or have low vision, and by modifying practices and materials to ensure effective communication with persons with intellectual or developmental disabilities.
 - 2. It is the policy of DHS to provide any necessary modifications to afford a qualified individual with a disability full enjoyment of the program or activity, unless modifications of policies, practices, and procedures would fundamentally alter the nature of the program, service or activity, or result in undue financial and administrative burdens to DHS. It is the policy of DHS to engage in an interactive and individualized process to identify reasonable accommodations and modifications. In ensuring effective communication with individuals with disabilities, it is the policy of DHS to give primary consideration to the auxiliary aid requested by the individual with the disability.

B. **Requirements:**

1. *Components:*

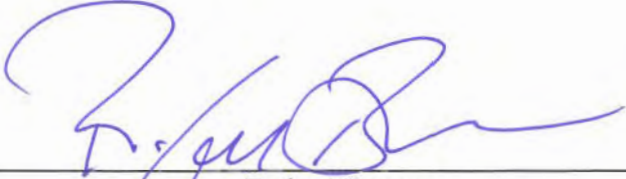
- a. Designate a headquarters disability access coordinator, along with supporting coordinators, if necessary, in Component units or field offices, to coordinate and provide support for compliance with Section 504, including achievement of the requirements of this directive;
- b. Conduct a self-evaluation of Component programs and activities to identify (1) any barriers to access posed by existing policies, communication mechanisms, and physical spaces; and (2) any gaps in existing Component policies or procedures for providing reasonable accommodations and modifications to qualified individuals with disabilities;
- c. Provide an opportunity to interested persons, including individuals with disabilities or organizations representing individuals with disabilities, to participate in the self-evaluation process;
- d. Develop, and submit to the Officer for Civil Rights and Civil Liberties (CRCL) for review and approval, a Component plan that (1) addresses any barriers identified in the self-evaluation and (2) documents the Component's policies on disability access and procedures for providing reasonable accommodations and modifications for qualified individuals with disabilities encountered or served by the Component;
- e. Make this Directive and associated plans, procedures, and resources readily available to all Component personnel interacting with or providing information to the public;
- f. Publicize and disseminate information to inform persons served or encountered by the Component of their rights under Section 504, how to request accommodations and modifications, and how to file a Section 504 complaint;
- g. Refer all complaints alleging discrimination based on disability in a Component program or activity to the Officer for CRCL, unless the Component has a standing Section 504 regulation or a memorandum of agreement with the Officer assigning the Component primary responsibility for processing such complaints; and
- h. Coordinate with the Officer for CRCL as the Component implements this directive.

2. *Officer for Civil Rights and Civil Liberties*

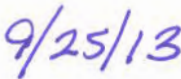
- a. Coordinates Components' efforts to fulfill the requirements of this Directive as part of its responsibility for ensuring Departmental compliance with, and enforcement of, Section 504;
- b. Develops guidance for conducting Component self-evaluations and preparing Component plans;
- c. Reviews the results of completed Component self-evaluations, reviews and approves Component plans, and provides technical assistance to Components in the implementation of their plans;
- d. Serves as a clearinghouse for best practices on providing access to individuals with disabilities in DHS programs and activities; and
- e. Reviews complaints alleging discrimination based on disability in all DHS programs and activities covered by the DHS Section 504 regulation, except where a Component has its own Section 504 regulation or a memorandum of agreement with the Officer for CRCL assigning the Component primary responsibility for processing such complaints.

VI. Questions

Address any questions or concerns regarding this Directive to the Deputy Officer for Programs and Compliance in the Office of CRCL.



Rafael Borrás
Under Secretary for Management



Date