



Title II of the Americans with Disabilities Act of 1990, 42 U.S.C 12131 as implement by 28 C.F.R. Part 35

What is Title II of the ADA?

Title II covers all programs, services, and activities of state and local governments regardless of the government entity's size or receipt of Federal funding. Title II requires that state and local governments give people with disabilities an equal opportunity to benefit from all of their programs, services, and activities (e.g. emergency programs, public education, employment, transportation, recreation, health care, social services, courts, voting, and town meetings).

All state and local governments are required to follow specific architectural standards in the new construction and alteration of their buildings. They also must provide access to programs, services, and activities housed in pre-ADA buildings, and ensure effective communication for people who are deaf or hard-of-hearing, are blind or have low vision, or have speech or other communication disabilities. Public entities are not required to take actions that would result in undue financial and administrative burdens. They are required to make reasonable modifications to policies, practices, and procedures where necessary to avoid discrimination, unless they can demonstrate that doing so would fundamentally alter the nature of the service, program, or activity being provided.

Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794 as implemented by 45 C.F.R. Part 84

What Is Section 504?

Section 504 is a national law that protects qualified individuals from discrimination based on their disability. The nondiscrimination requirements of the law apply to employers and organizations that receive financial assistance from any Federal department or agency, including the U.S. Department of Health and Human Services (DHHS). These organizations and employers include many hospitals, nursing homes, mental health centers and human service programs.

Section 504 forbids organizations and employers from excluding or denying individuals with disabilities an equal opportunity to receive program benefits and services. It defines the rights of individuals with disabilities to participate in, and have access to, program benefits and services.

Who Is Protected from Discrimination?

Section 504 protects **qualified individuals with disabilities**. Under this law, **individuals with disabilities** are defined as persons with a physical or mental impairment which substantially limits one or more major life activities. People who have a history of, or who are regarded as having a physical or mental impairment that substantially limits one or more major life activities, are also covered. Major life activities include caring for one's self, walking, seeing, hearing, speaking, breathing, working, performing manual tasks, and learning. Some examples of impairments which may substantially limit major life activities, even with the help of medication or aids/devices, are: AIDS, alcoholism, blindness or visual impairment, cancer, deafness or hearing impairment, diabetes, drug addiction, heart disease, and mental illness.

In addition to meeting the above definition, for purposes of receiving services, education or training, **qualified individuals with disabilities** are persons who meet normal and essential eligibility requirements.

For purposes of employment, **qualified individuals with disabilities** are persons who, with reasonable accommodation, can perform the essential functions of the job for which they have applied or have been hired to perform. (Complaints alleging employment discrimination on the basis of disability against a single individual will be referred to the U. S. Equal Employment Opportunity Commission for processing.) **Reasonable accommodation** means an employer is required to take reasonable steps to accommodate your disability unless it would cause the employer undue hardship.

Prohibited Discriminatory Acts in Health Care and Human Services Settings

Section 504 prohibitions against discrimination apply to service availability, accessibility, delivery, employment, and the administrative activities and responsibilities of organizations receiving Federal financial assistance. A recipient of Federal financial assistance may not, on the basis of disability:

- Deny qualified individuals the opportunity to participate in or benefit from federally funded programs, services, or other benefits.
- Deny access to programs, services, benefits or opportunities to participate as a result of physical barriers.
- Deny employment opportunities, including hiring, promotion, training, and fringe benefits, for which they are otherwise entitled or qualified...

These and other prohibitions against discrimination based on disability can be found in the DHHS Section 504 regulation at 45 CFR Part 84.

For information on how to file a complaint of discrimination, or to obtain information of a civil rights nature, please contact us. OCR employees will make every effort to provide prompt service.

U.S. Department of Health and Human Services
Office for Civil Rights
Washington, D.C. 20201
(202) 619-0403

Hotlines: **1-800-368-1019** (Voice)
E-Mail: ocrmail@hhs.gov

1-800-537-7697 (TDD)
Website: <http://www.hhs.gov/ocr>

By signing below, I am attesting to my familiarity with the requirements of Section 504 and the ADA.

Signature of Employee

Date

Print name

Position

Eckerd Kids

Place of Employment