

Monthly Civil Rights Webinar Series for Recipients:
**Developing Disability Access Policy and
Procedures**

Presented by

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U.S. Department of Homeland Security
Office for Civil Rights and Civil Liberties

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Homeland
Security

Webinar Agenda

- I. Introduction and Logistics
- II. Presentation
 - The role of the DHS Office for Civil Rights and Civil Liberties
 - The DHS Civil Rights Evaluation Tool
 - Key information and Q&A
 - Section 4 Requirements:
 - Developing Disability Access Policy and Procedures
- III. Technical Assistance Resources

Why am I here?

- Entities that receive grants from the Federal Government must comply with applicable civil rights authorities.
- When a recipient provides programs and services, and carries out activities, it cannot discriminate against the program beneficiaries based on race, color, national origin (including language), disability, age, sex, or religion.
- DHS is required to ensure that its recipients are carrying out their programs and activities in a nondiscriminatory manner.
- This presentation will provide information on what is needed to complete the DHS Civil Rights Evaluation Tool, which may assist recipients in meeting their administrative requirements.

DHS Office for Civil Rights and Civil Liberties (CRCL)

- As one of its functions, CRCL implements a comprehensive compliance program to ensure nondiscrimination in DHS assisted programs and activities in accordance with civil rights authorities. This program includes:
 - **Data Collection**
 - **Technical Assistance and Training**
 - **Issuing Policy, Guidance, and Resources**
 - Compliance Reviews
 - Complaint Investigations
 - Outreach to program beneficiaries and stakeholders

DHS Office for Civil Rights and Civil Liberties (CRCL)

- CRCL coordinates with FEMA and other DHS Component agencies that administer grants and other type of financial assistance to ensure that recipients understand and are able to meet their civil rights requirements.
- CRCL also coordinates with other federal agencies that may also provide grants to DHS recipients.

DHS Civil Rights Evaluation Tool

DEPARTMENT OF HOMELAND SECURITY
CIVIL RIGHTS EVALUATION TOOL

OMB Control No. 1601-0024
Expiration Date 01/31/2021

Section 1: Instructions

Entities selected to receive a grant, cooperative agreement, or other award of Federal financial assistance from the U.S. Department of Homeland Security (DHS) or one of its Components must complete this form and submit required data within thirty (30) days of receipt of the Notice of Award or, for State Administering Agencies, thirty (30) days from receipt of this form from DHS or its awarding component. Recipients are required to provide this information once every two (2) years, not every time a grant is awarded.

Submit the completed form, including supporting materials, to CivilRightsEvaluation@hq.dhs.gov. This form clarifies the recipient's civil rights obligations and related reporting requirements contained in the [DHS Standard Terms and Conditions](#).

For recipients who have previously submitted this form in the last two (2) years, if the information provided in response to any of the items below has not changed since the last submission, and there are no additional updates, please indicate "no change" under each applicable item; do not re-submit information previously submitted.

Subrecipients are not required to complete and submit this form to DHS. However, subrecipients have the same obligations as their primary recipients to comply with applicable civil rights requirements and should follow their primary recipient's instructions for submitting civil rights information to those recipients.

Section 2: Organization Information

Organization Name:	Unique Entity Identifier:
Address (Street, City, State, Zip code):	
Contact Person / Title:	
Email / Telephone:	
Grant Agreement Number:	Federal Award Identification Number:

Section 3: Civil Rights Requirements

As a condition of receipt of Federal financial assistance, the recipient is required to comply with applicable provisions of laws and policies prohibiting discrimination, including but not limited to:

- Title VI of the Civil Rights Act of 1964, which prohibits discrimination based on race, color, or national origin (including limited English proficiency).
- Section 504 of the Rehabilitation Act of 1973, which prohibits discrimination based on disability.
- Title IX of the Education Amendments Act of 1972, which prohibits discrimination based on sex in education programs or activities.
- Age Discrimination Act of 1975, which prohibits discrimination based on age.
- U.S. Department of Homeland Security regulation 6 C.F.R. Part 19, which prohibits discrimination based on religion in social service programs.

Section 4: Required Information

1. Provide the total number of complaints or lawsuits against the recipient during the past three (3) years alleging discrimination on the basis of race, color or national origin (including limited English proficiency), sex, age, disability, religion, or alleging retaliation. For each complaint or lawsuit, state the following:
 - a. Employment or non-employment related;
 - b. Basis (race, color, national origin, including limited English proficiency; sex; age; disability; religion); or alleging retaliation; and
 - c. Status (pending, closed with findings, closed with no findings).
 Additionally, if a court or administrative agency made a finding of discrimination in a non-employment complaint for the above three (3) years, forward a copy of the complaint and findings to DHS.

Responses should not include personally identifiable information (PII) that is outside of public record. PII is any information that permits the identity of an individual to be directly or indirectly inferred, including any information which is linked or linkable to an individual.
2. Provide a brief description of any civil rights compliance reviews regarding the recipient conducted during the two (2) year period before this award of DHS Federal financial assistance.
3. Provide a statement affirming that staff has been designated to coordinate and carry out the responsibilities for compliance with civil rights laws, and a description of the responsibilities of any such staff.
4. Provide a copy of the recipient's nondiscrimination policy statement referencing the laws and regulations in Section 3.
5. Provide a copy of the recipient's discrimination complaints process.
6. Provide a copy of the recipient's plan to ensure compliance in subrecipient programs (only applies to state administering agencies and other recipients that provide assistance to subrecipients). The plan should describe the process for conducting reviews of subrecipients.
7. Provide copies of the recipient's policy and procedures used to ensure nondiscrimination and equal opportunity for persons with disabilities to participate in and benefit from the recipient's programs and services.
8. Provide copies of the recipient's policy and procedures regarding the requirement to provide meaningful access to programs and services to individuals with limited English proficiency (LEP).

Section 5: Additional Information

Resources for recipients related to the above requirements: <http://dhs.gov/resources-recipients-dhs-financial-assistance>

For questions and assistance with this form, please contact:

DHS Office for Civil Rights and Civil Liberties
Email: CivilRightsEvaluation@hq.dhs.gov
Phone: 202-401-1474
Toll Free: 1-866-644-8360
TTY: 202-401-0470
Toll Free TTY: 1-866-644-8361

Federal Emergency Management Agency, Office of Equal Rights (for FEMA recipients):
Email: fema-civil-rights-form@fema.dhs.gov
Phone: 202-646-3535

Paperwork Reduction Act

The public reporting burden to complete this information collection is estimated at 3 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and the completing and reviewing the collected information. The collection of information is mandatory. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number and expiration date. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to:

ATTN: PRA [OMB Control No. 1601-NEW]
Office for Civil Rights and Civil Liberties
U.S. Department of Homeland Security
Building 410, Mail Stop #0190
Washington, D.C. 20528

DHS Civil Rights Evaluation Tool – Key Information

The DHS Civil Rights Evaluation Tool is a technical assistance tool to assist recipients in understanding and being able to meet their civil rights requirements.

Objectives:

- To remind recipients of important civil rights requirements
- To assist recipients in meeting their obligations
- To connect recipients with resources and technical assistance

DHS Civil Rights Evaluation Tool – Key Information

- DHS began implementation of the tool in April 2018.
- Recipients are required to complete and submit this tool within thirty days of receipt of the Notice of Award (for the first award under which this term applies).
- Recipients of multiple awards of financial assistance from DHS or its component agencies should only submit one completed tool on behalf of their organization, not per award.

DHS Civil Rights Evaluation Tool – Key Information

- Recipients are required to complete the tool once every two years from the date they last submitted the tool (if DHS assistance is continuing).
- After the initial submission, recipients are only required to submit updates every two years. If there are no updates since the initial submission, the recipient can indicate “no change” for each item. Recipients should not resubmit information previously submitted.

DHS Civil Rights Evaluation Tool – Key Information

- Sub-recipients are not required to complete or submit the tool.
- However, sub-recipients have the same obligations as their primary recipients to comply with applicable civil rights requirements and should follow their primary recipient's procedures regarding the submission of civil rights information.

DHS Civil Rights Evaluation Tool – Key Information

2020 DHS Standard Terms and Conditions, ver. 10.1

(<https://www.dhs.gov/publication/fy15-dhs-standard-terms-and-conditions>)

Text from Terms and Conditions:

DHS Specific Acknowledgments and Assurances (pg. 1-2)

5. Recipients of federal financial assistance from DHS must complete the *DHS Civil Rights Evaluation Tool* within thirty (30) days of receipt of the Notice of Award or, for State Administering Agencies, thirty (30) days from receipt of the DHS Civil Rights Evaluation Tool from DHS or its awarding component agency. After the initial submission for the first award under which this term applies, recipients are required to provide this information once every two (2) years if they have an active award, not every time an award is made. Recipients should submit the completed tool, including supporting materials, to CivilRightsEvaluation@hq.dhs.gov. This tool clarifies the civil rights obligations and related reporting requirements contained in the DHS Standard Terms and Conditions. Subrecipients are not required to complete and submit this tool to DHS. The evaluation tool can be found at <https://www.dhs.gov/publication/dhs-civil-rights-evaluation-tool>.

6. The DHS Office for Civil Rights and Civil Liberties will consider, in its discretion, granting an extension if the recipient identifies steps and a timeline for completing the tool. Recipients should request extensions by emailing the request to CivilRightsEvaluation@hq.dhs.gov prior to expiration of the 30-day deadline.

Section 4 – Required Information

This presentation covers what is needed to complete the DHS Civil Rights Evaluation Tool (as it pertains to **disability access policies and procedures**), which may assist recipients in meeting their administrative requirements.

Section 4 – Disability Access Policy and Procedures

Section 4, Item 7:

Provide copies of the recipient's policy and procedures used to ensure nondiscrimination and equal opportunity for persons with disabilities to participate in and benefit from the recipient's programs and services.

Section 4 – Disability Access: Legal Authority

Section 504 of the Rehabilitation Act of 1973, as amended, *“prohibits discrimination on the basis of disability in programs and activities receiving federal financial assistance.”*

Many DHS grantees, such as state and local government recipients, are subject to the provisions of both Section 504 of the Rehabilitation Act and Title II of the Americans with Disabilities Act (ADA). Congress and the courts have generally construed the obligations under Section 504 to parallel those under Title II of the ADA.

Section 4 – Disability Access: Legal Obligations

Under Section 504, the recipient is obligated to ensure:

- **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;
- **Physical access**, including by providing accessible new construction and alterations in accordance with applicable architectural standards;
- **Effective communication**, including by providing auxiliary aids and services, giving primary consideration to the individual's preference regarding type of aid or service; and
- **Reasonable accommodation**, including by conducting an interactive process with the individual to determine how best to meet their need.

Section 4 – Disability Access Policy

- The statement should prohibit discrimination on the basis of disability in the recipient's programs and activities
- If the recipient's nondiscrimination policy includes disability among the covered bases, you do not need to create a separate policy.

Section 4 – Disability Access: Definition

*A **reasonable accommodation** is a change or modification to afford a qualified individual with a disability full enjoyment of the recipient's programs or activities, 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 the recipient.*

Section 4 – Disability Access: Examples

Some examples of how the recipient can provide reasonable accommodations include:

- Arranging for qualified sign language interpreters;
- Providing on-site captioning;
- Producing alternate formats of print materials in braille, large print, or in an electronic format;
- Providing remote conference captioning services; and
- Furnishing a temporary ramp to access the dais or other areas with one or more stairs to ensure accessibility for individuals who have physical disabilities and may be using a wheelchair or walker.

Section 4 – Disability Access: Procedures

The recipient's reasonable accommodation process should include:

- **Part 1:** Procedure for notifying program beneficiaries of how to request accommodations;
- **Part 2:** Procedure for accepting and responding to requests for reasonable accommodations; and
- **Part 3:** Procedure for monitoring the provision of reasonable accommodations.

Section 4 – Disability Access:

Part 1: Procedure for Notifying Program Beneficiaries

The procedure should delineate how the recipient will notify clients, customers, program participants, or consumers of the recipient and any subrecipients of how to request reasonable accommodations.

Recipients should consider providing such notice using a variety of means, formats, and languages.

Section 4 – Disability Access:

Part 1: Procedure for Notifying Program Beneficiaries...

- **Sample Notice:** [Recipient] is committed to providing individuals with disabilities an equal opportunity to participate in and benefit from [Recipient's] programs, activities, and services.
- Individuals may request reasonable accommodations from [Recipient] that they believe will enable them to have such equal opportunity to participate in our programs, activities, and services.
- To request reasonable accommodations, contact [Recipient POC/Office and methods for contacting the recipient].

Section 4 – Disability Access:

Part 2: Procedure for Accepting and Responding to Requests

To be effective, recipients should consider including the following **5 Elements** in their review procedure:

1. A designation of the recipients' employee or office responsible for coordinating reasonable accommodation requests and provision of contact information for submitting the request to that employee or office;

Section 4 – Disability Access:

Part 2: Procedure for Accepting and Responding to Requests...

2. An explanation of the process for receipt and review of reasonable accommodations requests, including:
 - a. Any **forms** for program beneficiaries to request reasonable accommodations;
 - b. A **description of the process for determining whether to provide a requested accommodation**, including consulting with the individual requesting the accommodation in an interactive process to determine what, if any, accommodation the recipient should provide;
 - c. **Timeframes** for responding and/or providing reasonable accommodations; and
 - d. **Provisions for providing interim accommodation** if a requested accommodation cannot be provided immediately.

Section 4 – Disability Access:

Part 2: Procedure for Accepting and Responding to Requests...

3. Information on the recipient's resources for obtaining the reasonable accommodation to be provided, for example, how they will make arrangements for sign language interpreters.

4. Information on how the recipient will maintain the confidentiality of and appropriately secure any personally identifiable information (PII) in the request for reasonable accommodations to ensure that only those recipient's employees with a need to know have the information.

5. Information on how the recipient will provide the approved reasonable accommodation in future or ongoing interactions with the beneficiary.

Section 4 – Disability Access: Key Point

The individual **does not need to put their request for accommodation in writing**; however, making a written request can be helpful documentation for ensuring that the recipient provides the desired accommodation.

In addition, note that the individual **does not need to use the specific words** “reasonable accommodation” when making the request.

Section 4 – Disability Access: Key Point...

In some cases, the recipient will need to **consult with the individual in an interactive process to determine on a case-by-case basis** what accommodations can be made.

The recipient's **questions should be limited to understanding the barrier** to the individual's ability to participate in the program or activity and the nature of an accommodation that will remove this barrier.

Section 4 – Disability Access:

Part 3: Procedure for Monitoring

The recipient should have a record-keeping system in place so they can monitor:

- a. The **number and type of requests** for reasonable accommodations received in a designated period (e.g., annually);
- b. The number of such requests that were denied and reason(s) for denial;
- c. The number and type of alternate accommodations, if any, that were provided; and
- d. A summary of circumstances regarding any denials based upon a determination of fundamental alteration or undue burden to the recipient.

Technical Assistance Resources

- Online Resource Guides:
 - Sample Policy and Notice of Nondiscrimination
 - Developing a Discrimination Complaints Process
 - Developing a Language Access Plan
 - **504 and Disability Access**
 - **Reasonable Accommodation Guidance, Sample Notice and FAQs**
 - Civil Rights Evaluation Tool Frequently Asked Questions
 - Civil Rights Tool Overview

Recipient Resource Webpage:

<https://www.dhs.gov/resources-recipients-dhs-financial-assistance>

Click on “Recipient Resources”

Contact Us

For questions or technical assistance on meeting your civil rights obligations, please contact:

DHS Office for Civil Rights and Civil Liberties (CRCL)

Email: CivilRightsEvaluation@hq.dhs.gov

Website: <https://www.dhs.gov/resources-recipients-dhs-financial-assistance>