

U.S. Department of Homeland Security

Office for Civil Rights and Civil Liberties



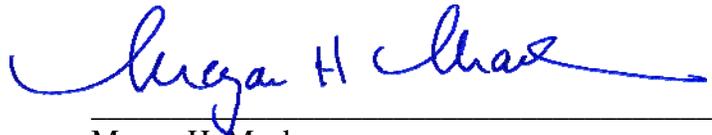
Guide 065-01-001-01, Component Self-Evaluation and Planning Reference Guide

June 6, 2016

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Component Self-Evaluation and Planning Reference Guide



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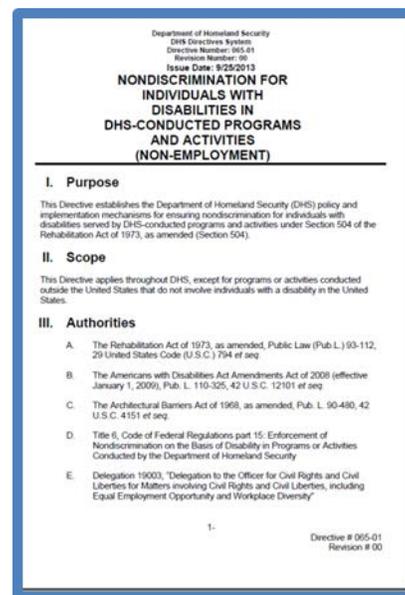
Part 1: Introduction

1.1 Purpose of the Guide

The purpose of this Component Self-Evaluation and Planning Reference Guide (the Guide) is to assist DHS Components in their efforts to strengthen compliance with Section 504 of the Rehabilitation Act of 1973. The Rehabilitation Act is a foundational piece of civil rights legislation that commits the federal government to ending discrimination against individuals with disabilities in federal employment and in federally conducted and federally assisted programs and activities. Section 504 of the Rehabilitation Act provides that no otherwise qualified individual with a disability in the United States shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity conducted by federal agencies.¹ Each federal agency is responsible for adopting its own Section 504 regulation and enforcement procedures. The Department of Homeland Security (DHS) regulation for enforcement of Section 504 is Title 6 of the Code of Federal Regulations (C.F.R.) Part 15.

In 2013, the Department recognized the 40th anniversary of the enactment of Section 504 of the Rehabilitation Act by issuing DHS Directive 065-01, Nondiscrimination for Individuals with Disabilities in DHS-Conducted Programs and Activities (Non-Employment). In 2015, DHS followed up the Directive by issuing the associated implementing Instruction 065-01-001. Both documents are located on the DHS Intranet at <http://dhsconnect.dhs.gov/Pages/default.aspx> as well as on the DHS Disability Access Webpage at <http://www.dhs.gov/disability-access-department-homeland-security>.

Taken together, the Directive and Instruction set out a Departmental policy and implementing mechanisms for strengthening compliance with Section 504. Among their provisions, the Directive and Instruction require DHS Components to conduct a Self-Evaluation and prepare a Component Plan. By conducting the Self-Evaluation and developing the Component Plan, Components will identify any policies or practices that may result in a qualified individual with a disability being excluded from the participation in, or being denied the benefits of, a program or activity. This process obligates DHS



Directive 065-01, Nondiscrimination for Individuals with Disabilities in DHS-Conducted Programs and Activities (Non-Employment) issued in 2013

¹ The phrase “solely by reason of her or his disability” is used when quoting from Section 504 of the Rehabilitation Act of 1973. Note that the DHS regulation implementing Section 504 (6 C.F.R. Part 15) does not employ the word “solely” in this phrase.

Components to review their facilities, programs, policies, and practices and make changes where needed to permit individuals with disabilities to participate fully in the Component's programs and activities.

Ultimately, a Component's compliance with Section 504 will be evaluated under the law. That said, implementation of DHS Directive 065-01, and specifically carrying out the Self-Evaluation and Component Plan, is intended to support Components in achieving compliance with the requirements of Section 504.

This Guide responds to Component requests for additional guidance that emerged during the development of the Directive and the Instruction. Use of the Guide will demonstrate that the Component is taking steps to comply with the Directive and Instruction. Use of the Guide across DHS will also provide consistency in how Components conduct their evaluation and planning activities, thereby providing CRCL and Components a standard set of benchmarks for strengthening compliance with Section 504. Throughout the evaluation and planning process, CRCL will continue to convene regular meetings of Component representatives, thus providing opportunities for Components to learn from one another.

1.2 Background on the Guide

Under DHS Directive 065-01, CRCL is charged with overall oversight and providing technical assistance to Components during their Self-Evaluation and Component Planning work. CRCL developed the initial draft of this Guide and solicited additions and comments from Components to bring it to completion. CRCL will distribute the Guide as part of the kick-off of the Self-Evaluation process. The Guide will be posted to the same Intranet and Internet sites referenced above to accompany the Directive and the Instruction.

CRCL would like to extend its appreciation for the contributions offered by many Component personnel during the development of the Guide. In addition, CRCL is indebted to staff at the U.S. Department of Justice (DOJ) Disability Rights Section for their ongoing guidance and for making available historical technical assistance materials related to federal agency self-evaluations conducted following the adoption of Section 504 regulations.

Questions regarding this Guide should be directed to the Antidiscrimination Group of CRCL at the following email address: crexecsec@hq.dhs.gov.

1.3 How to Use the Guide

This Guide is organized into six overall parts and uses a numbering system for sections and subsections to illustrate how the various topics relate to one another. Some readers will find it helpful to read the Guide in its entirety. Others may find it helpful to consult the Guide as needed for assistance with specific topic areas.

Part 1 provides an introduction to the Guide, setting out its purpose, background, and tips regarding its use.

Part 2 provides an overview of the key principles underpinning disability law and policy and addresses several areas raised during development of the Directive and Instruction.

Part 3 presents a quick reference table for the timeline and steps associated with the Component Self-Evaluation and Planning process.

Part 4 provides detailed guidance on how to conduct the Component Self-Evaluation. Of note, this part describes how to develop the Self-Evaluation Methodology and how to involve disability stakeholders, and provides guidance on conducting the evaluation at the headquarters and operational levels.

Part 5 describes the steps associated with developing and carrying out the Component Plan. Parts 4 and 5 should be read in conjunction with the evaluation and planning tools contained in the Appendices.

Part 6 includes the Appendices.

Appendix A presents a list of Component programs and activities recommended for inclusion in the Self-Evaluation to use as a starting point.

Appendix B is a ready-to-use tool for carrying out the Self-Evaluation at the headquarters and operational levels.

Appendix C provides the template for drafting the Component Plan to address the issues identified in the Self-Evaluation.

Appendix D re-states the definitions specified in the Instruction for easy reference.

Appendix E serves as both a listing of key reference documents consulted during development of this Guide as well as a bibliography of recommended web-based resources for further reading.

Part 2: Key Principles for Ensuring Nondiscrimination

2.1 Overview of Section 504 of the Rehabilitation Act

The Rehabilitation Act of 1973 commits the federal government to ending discrimination against individuals with disabilities in federal employment and in federally conducted and federally assisted programs and activities. In the context of DHS Management Directive 065-01 and its implementing Instruction, Section 504 of the Rehabilitation Act provides that no otherwise qualified individual with a disability in the United States shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity conducted by federal agencies. This means, for example, that an individual with a disability may not, solely by reason of a disability, be denied the opportunity to participate in a program, service, or activity; may not be required to accept a different kind of or lesser program or service than what is provided to others; and generally may not be required to participate in separate programs and services, even if separate programs and services exist.

Forms of discrimination against individuals with disabilities include:

- Disparate Treatment – Policies, practices, and other agency actions that on their face treat individuals with a disability less favorably than individuals who do not have a disability;
- Disparate Impact – Policies that are neutral on their face, but still result in denying meaningful access to programs and activities; and
- Failure to Accommodate – A program fails to provide a reasonable accommodation or modification to a qualified individual with a disability.

Forms of discrimination include harassment and creation of a hostile environment against an individual based upon the individual's actual, historical, or perceived disability. Disability harassment is intimidation or abusive behavior toward an individual based on disability that creates a hostile environment by interfering with or denying the individual's participation in or receipt of benefits, services, or opportunities in the agency's program. Harassing conduct may take many forms, including verbal acts and name-calling, as well as nonverbal behavior, such as graphic and written statements, or conduct that is physically threatening, harmful, or humiliating.

Finally, it is unlawful for an agency to retaliate against (i.e., coerce, intimidate, threaten, or interfere with) any individual in the exercise of his or her rights under Section 504 or because that individual aided or encouraged any other individual in the exercise or enjoyment of any right granted or protected by Section 504.

In conducting its programs and activities, the federal agency is obligated to provide program accessibility, accessible new construction and alterations, effective communication, and reasonable accommodations and modifications for individuals with disabilities. These obligations are considered to be the “four pillars” of Section 504’s protections and will be discussed at length later in Part 2 of this Guide.

2.2 Defining Disability Under Section 504

Under the Americans with Disabilities Act and the Rehabilitation Act, the term “disability” means, with respect to an individual, a physical or mental impairment that substantially limits one or more major life activities of such individual; a record of such an impairment; or being regarded as having such an impairment. Consistent with Section 504, DHS Instruction 065-01-001 defines the term “Individual with a Disability” as an individual who has:

- a physical or mental impairment that substantially limits one or more major life activities (an “actual disability”), or
- a record of a physical or mental impairment that substantially limits a major life activity (“record of”), or
- an actual or perceived impairment, whether or not the impairment limits or is perceived to limit a major life activity, that is not both transitory and minor (“regarded as”).²

Reacting to what was viewed as a narrowing of the definition of disability by the courts, Congress passed the Americans with Disabilities Act (ADA) Amendments Act of 2008. In this legislation, Congress modified the meaning of several key terms and phrases, clarifying the definition of disability. In so doing, Congress:

- re-established broad coverage under the ADA;
- emphasized that the determination of whether an individual has a disability should not require extensive analysis; and
- stated that the focus of disability analysis should be on whether covered entities have complied with their obligations under the statute.

2.3 Who is a Qualified Individual with a Disability?

In order to be an individual protected by Section 504, the individual must be a “qualified” individual with a disability. To be qualified, the individual with a disability must meet the essential eligibility requirements for receipt of services or participation in a federal agency’s programs or activities with or without:

- reasonable modifications to a federal agency’s rules, policies, or practices;
- removal of architectural, communication, or transportation barriers; or
- provision of auxiliary aids and services.

² Individuals “regarded as” having a disability, but who do not actually have a disability, are not entitled to disability-related services such as auxiliary aids and reasonable accommodations and modifications.

For example, if FEMA is providing a specific service to low-income persons who are displaced by a disaster, and an individual does not meet the income threshold but applies for the service anyway, that individual is not “qualified.” By contrast, if a FEMA-conducted program is recruiting volunteers to train individuals in emergency preparedness, then otherwise qualified individuals who are deaf are qualified to take part in the training even if they need a qualified interpreter as an accommodation while they are participating in the training.

Section 504 does not require an agency to permit an individual to participate in the program or activity when that individual poses a direct threat to the health or safety of others. A direct threat is a significant risk to the health or safety of others that cannot be eliminated by a modification of a policy, practice or procedure, or by the provision of an auxiliary aid or service. The determination of direct threat must be based on an individualized assessment that relies on current medical evidence, or on the best available objective evidence, to assess:

- The nature, duration, and severity of the risk;
- The probability that the potential injury will actually occur; and
- Whether reasonable modifications of policies, practices, or procedures will mitigate or eliminate the risk.

2.4 The DHS Policy on Disability Access

The Department's regulation implementing Section 504 in its conducted activities states: “No qualified individual with a disability in the United States, shall, by reason of his or her disability, be excluded from the participation in, be denied benefits of, or otherwise be subjected to discrimination under any program or activity conducted by the Department (6 C.F.R. 15.30(a)).” Building upon this regulatory provision, DHS Management Directive 065-01 contains the following policy statement:

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.

CRCL developed Part 2 of this Guide to unfold and explain the concepts contained in the DHS policy statement. The material is built upon 11 key principles of disability civil rights law gleaned from guidance originally developed by DHS and federal interagency partners in response to Section 689 of the Post-Katrina Emergency Management Reform Act of 2006, as well as collaborative work with DOJ following the passage of the ADA Amendments Act of 2008. This Part arranges these interconnected principles into four categories that line up with the four prongs of the DHS policy statement above: Accessibility of Policies and Practices, Effective Communication, Physical Accessibility, and Reasonable Accommodations and Modifications.

Notes on Terms and Concepts:

- The term “agency” conveys the generic nature of these principles with respect to federal agencies, and it should be understood to be fully applicable to the Department in its conducted programs and activities.
- The term “qualified individual with a disability” is used where appropriate, referring to coverage of Section 504 within the context of participation in DHS programs and activities. (See the discussion in Section 2.3 and the definition contained in Appendix D for “qualified individual with a disability.”)
- For governmentally conducted programs and activities, Congress and the courts have generally construed the federal government’s obligations under Section 504 to parallel those under Title II of the ADA, which applies to state and local governments. Therefore, CRCL relied on both Section 504 and Title II guidance, particularly that developed by DOJ, throughout this Guide.

2.5 Accessibility of Policies and Practices

Principle #1: Equal Opportunity.

Qualified individuals with disabilities have the right to be treated in a nondiscriminatory manner by the program and must be afforded an equal opportunity to benefit from the program’s services and activities. Ensuring equal opportunity may require making changes to a program’s policies,

procedures, and practices. Program policies, procedures, and eligibility criteria may not solely be by reason of a qualified individual's disability:

- explicitly exclude, or have the effect of excluding, qualified individuals with disabilities;
- result in qualified individuals with disabilities receiving lesser or unequal treatment compared to persons without disabilities; or
- ask qualified individuals with disabilities to meet any other requirements not imposed on other program participants.

Principle #2: Inclusion.

Individuals with disabilities have the same right to participate as individuals without disabilities in the program's services and activities. Inclusion often requires outreach to individuals with disabilities to ensure that they know they are equally eligible to participate in the program. It is important to ensure that the program's public and internal references to and portrayals of individuals with disabilities in written and audio-visual materials respect personal dignity, including use of appropriate terminology. Where appropriate, inclusion of individuals with various types of disabilities in the agency's planning, training, and evaluation of disability-related needs will ensure that individuals with disabilities are given appropriate consideration in the program.

Principle #3: Integration.

The agency must conduct interactions with and provide services to qualified individuals with disabilities in an integrated program setting, unless a separate or different measure is necessary to ensure that qualified individuals with disabilities have an equal opportunity to benefit from the program. Any separate measure must, however, be specifically designed to meet the needs of the qualified individuals with disabilities for whom it is provided. Exclusion and segregation of individuals with disabilities are often based upon presumptions, patronizing attitudes, fears, and stereotypes about individuals with disabilities. The most integrated setting can be thought of as a setting that enables individuals with disabilities to interact with persons who do not have disabilities to the fullest extent possible.

Principle #4: Self-Determination.

Qualified individuals with disabilities have the right to choose to participate in a program designed to serve the general public, even if the agency has offered a separate or different program to meet their needs. Qualified individuals with disabilities are best-positioned to determine their own needs. Individuals who have what may appear to be similar disabilities do not all have the same needs or require the same accommodations and modifications.

Notes Regarding Principles 1-4: Taken together, these principles are intended to prohibit exclusion and segregation of individuals with disabilities and the denial of equal opportunities enjoyed by others. Consistent with these principles, the agency is required to ensure that its actions are based on facts applicable to individuals and not on presumptions as to what a class of individuals with disabilities can or cannot do. The agency has the obligation to ensure that it does not maintain blatantly exclusionary policies or practices and policies and practices that are neutral on their face, but deny qualified individuals with disabilities an effective opportunity to participate.

Providing services and activities in the most integrated setting appropriate for qualified individuals with disabilities is fundamental to achieving the purposes of Section 504 of the Rehabilitation Act. Thus, routinely providing segregated services, without case by case consideration of what accommodations and modifications are available and effective for a given individual, relegates individuals with disabilities to second-class status. Even when separate programs are permitted, qualified individuals with disabilities cannot be denied the opportunity to participate in programs that are not separate or different. Separate, special, or different programs that are designed to provide a benefit to qualified individuals with disabilities cannot be used to restrict the participation of qualified individuals with disabilities in general, integrated activities.

2.6 Effective Communication

Principle #5: Effective Communication.

The program must:

- take steps to ensure that communications with individuals with disabilities are as effective as communications with others by providing, where necessary, appropriate auxiliary aids and services;
- give primary consideration to providing the type of aid or service requested by the individual with a disability, unless another equally effective means of communication is available;
- provide notice to potential participants regarding the availability of alternative forms of communication; and
- take other action that ensures effective communication if granting the requested auxiliary aid would pose a fundamental alteration or undue burden.

Principle #6: No One Size Fits All.

Many individuals experience disability in different ways, and their requests and preferences cannot be assumed or fully predicted in advance. The agency should maintain a core capacity, including establishment of procedures, to provide the most commonly requested auxiliary aids and services to individuals who have sensory, manual, and speech disabilities. For less common requests, the agency should have in place procedures for obtaining these auxiliary aids and services in a timely manner.

Notes Regarding Principles 5-6: The agency must take steps to ensure that its communications with individuals with disabilities are as effective as communication with others. In order to provide equal access, the agency is required to provide auxiliary aids and services that promote effective communication.

Providing Auxiliary Aids and Services

Examples of common auxiliary aids and services include:

- For individuals who have hearing or speech disabilities: qualified interpreters; qualified deaf/blind interpreters; note takers; exchanging written notes; open and closed captioning; real-time captioning; assistive listening devices; text telephones;

- For individuals who are blind or have low vision: screen reader software; magnification software; optical readers; electronic, large print, and braille materials; and qualified readers.

The type of auxiliary aid or service necessary to ensure effective communication will vary in accordance with:

- the method of communication used by the individual;
- the nature, length, and complexity of the communication involved; and
- the context in which the communication is taking place.

The agency or program provider should consult with the individual with a disability whenever possible to determine what type of auxiliary aid is needed to ensure effective communication. To be effective, auxiliary aids and services must be provided in accessible formats, in a timely manner, and in such a way as to protect the privacy and independence of the individual with a disability.

The individual with a disability is not responsible for the cost of the auxiliary aid or service provided by the agency. The agency need not approve a request for an auxiliary aid or service if furnishing it would pose a fundamental alteration or undue financial and/or administrative burden to the program. (See Section 2.8 for the discussion of fundamental alteration and undue burden and the definitions contained in Appendix D). However, even if it is determined that a particular auxiliary aid or service would pose an undue burden, the agency must still seek other ways to provide effective communication utilizing a different auxiliary aid or service.

Qualified Interpreters

Qualified interpreters may be required when the information being communicated in a transaction is complex or is exchanged for a long period of time, and when rights, health, and safety are implicated. A qualified interpreter is not always required for all communication situations.

Factors to be considered when deciding if the use of a qualified interpreter is appropriate can include the context of the conversation, the number of people involved, and the importance of the communication. For any encounter that may involve legal, medical, safety, or program eligibility issues, for example, a qualified interpreter will usually be necessary to effectively communicate with an individual who uses sign language.

The agency cannot require an individual with a disability to bring another individual to provide sign language interpretation. The agency may not rely on an adult (including a family member) accompanying an individual to interpret or facilitate communication, except:

- In an emergency involving imminent threat to the safety or welfare of an individual or the public where there is no qualified interpreter available; or
- When the individual with a disability specifically requests that the accompanying adult interpret or facilitate communication, the accompanying adult agrees to provide such

assistance, and reliance on that adult for assistance is appropriate under the circumstances.

The agency may not rely on a minor child to interpret or facilitate communication, except in an emergency involving an imminent threat to the safety or welfare of an individual or the public where there is no qualified interpreter available.

Telecommunications

When the agency uses an automated-attendant system, including, but not limited to, voicemail and messaging, or an interactive voice response system, for receiving and directing incoming telephone calls, that system must provide effective real-time communication with individuals using auxiliary aids and services, including text telephones (TTYs) and relay services, including Internet-based relay systems. The agency must respond to telephone calls from a relay service in the same manner that it responds to other telephone calls. The agency may use relay services in place of direct telephone communication for receiving or making telephone calls incident to its operations. An agency that offers a customer, client, patient, or participant the opportunity to make outgoing telephone calls using their equipment on more than an incidental convenience basis must make available accessible public telephones, TTYs, or other telecommunications products and systems for use by an individual who is deaf or hard of hearing, or has a speech disability.

Assistive Listening Systems/Devices

Assistive Listening Systems (ALSs) are sometimes called Assistive Listening Devices (ALDs). Essentially they are amplifiers that bring sound directly into the ear. They separate the sounds, particularly speech, that a person wants to hear from background noise. They improve what is known as the “speech to noise ratio.” The ALS usually uses a microphone to capture an audio source near to its origin and broadcast it wirelessly over an FM (Frequency Modulation) transmission, IR (Infra-Red) transmission, IL (Induction Loop) transmission, or other transmission method. The person who is listening may use an FM/IR/IL receiver to tune into the signal and listen at his/her preferred volume. An agency may find that providing an ALS is particularly effective in communicating with hard of hearing individuals in large program settings, gatherings, meetings, or events.

Effectively Communicating with Individuals Who Have Vision or Manual Disabilities

An individual who has a vision disability or a manual (e.g., dexterity) disability may be unable to complete paperwork associated with program services and activities. Program staff should be trained on providing assistance to individuals with these needs. For lengthy or complex paperwork, the agency should consider making available a qualified reader to provide services on an appointment basis. For matters that do not involve confidential or legal information, it may be possible for a member of the program staff to serve as a qualified reader. The paperwork itself could also be provided in an alternative format, such as in large print for individuals with low vision and in braille for individuals who are blind and prefer braille as their primary reading medium. Many individuals with vision disabilities prefer to access printed material in electronic formats that can be adapted to their needs utilizing assistive technology. If the program’s application or registration process involves using interactive kiosk or computer technology, this equipment must be accessible to individuals with disabilities.

Section 508 of the Rehabilitation Act

Among its provisions, Section 508 of the Rehabilitation Act of 1973 requires that any individual with a disability from the general public seeking information or services from a federal agency have access to and use of information and data that is comparable to that provided to individuals without disabilities, unless an undue burden would be imposed on the agency. Examples of electronic and information technology required to be accessible under Section 508 include software applications and operating systems, telecommunications products, information kiosks and transaction machines, Web sites (Internet, Intranet, and Extranet), video and multimedia products, desktop and portable computers, and office equipment such as copiers and fax machines.

An agency may, in some instances, be able to meet its Section 504 obligation to provide equal opportunity to individuals with disabilities and ensure effective communication by making information available in a Section 508-compliant form on its external-facing website or Intranet(s). However, in other cases, in order to meet its Section 504 obligation, an agency may need to provide an appropriate auxiliary aid to an individual with a disability, regardless of whether information on its website meets accessibility requirements under Section 508.

Examples of situations where an agency would be required to provide information to an individual with a disability in an alternate format include:

- An individual who is blind requests an audio or Braille version of a publicly available report that is posted on an agency's Section 508-compliant website. If necessary to provide the individual equal access to the information, the agency must provide the report in an alternate format, such as an audio file or braille.
- An individual with a manual disability that limits his ability to effectively use a computer requests an agency to provide web-based information in print. If a printed version of the information is necessary for the individual to have equal access to the information, the agency must provide the information in print.

2.7 Physical Accessibility

Principle #7: Program Accessibility.

An agency must:

- Ensure that the benefits of its programs, activities, and services to individuals with disabilities are provided when its existing facilities are physically inaccessible;
- operate each program or activity so that the program or activity, when viewed in its entirety, is readily accessible to and usable by individuals with disabilities;
- take any other action available that would ensure that individuals with disabilities receive the benefits or services if the original approach for achieving program accessibility would result in a fundamental alteration or undue financial and/or administrative burden.

Principle #8: Physical Accessibility.

Agency facilities that are designed, constructed, altered, or leased with federal funds must be readily accessible to and usable by individuals with disabilities. These facilities are subject to the standards issued by the U.S. Access Board under the Architectural Barriers Act (ABA) of 1968. Adopted by the General Services Administration (GSA) in 2006, the Architectural Barriers Act Accessibility Standards are generally the standards that apply to DHS facilities. The ABA standards require physical accessibility of areas such as:

- parking spaces;
- public entrances;
- the route from arrival points to the building and throughout the building to all public spaces;
- toilet rooms and water fountains; and
- public and common use areas.

Notes Regarding Principles 7-8: At the time that federal agencies adopted regulations implementing the Rehabilitation Act of 1973, not all of the agencies' programs were being conducted in facilities that were fully accessible to individuals with disabilities. As a result, the Rehabilitation Act did not require agencies to make structural alterations in each of their existing facilities. Making structural alterations to an existing facility to achieve program access is one option. If the agency determines that non-structural changes would be effective in achieving access to the program, the agency may:

- relocate services to accessible buildings; or
- provide alternate methods of delivery of services and activities;
- while giving priority to providing the program or activity in the most integrated setting appropriate to individuals with disabilities.

Over the course of time, as agencies move their programs into newer, federally owned and leased facilities subject to architectural accessibility standards, it will become less relevant to view accessibility only in terms of "the program when viewed in its entirety." The agencies' services and activities will be increasingly conducted in environments where full physical accessibility of facilities is already required. These architectural accessibility requirements are often relevant to the operation of a program or activity.

GSA is one of four federal agencies authorized by Congress to issue accessibility standards under the ABA. GSA's current implementing standard is the Architectural Barriers Act Accessibility Standard (ABAAS). ABAAS is generally the standard that applies to DHS facilities.

ABAAS was made effective May 9, 2006 for new construction and alterations, June 30, 2006 for lease-construction facilities, and February 7, 2007 for all other leased facilities. ABAAS replaces the Uniform Federal Accessibility Standards (UFAS), which was GSA's previous standard for accessibility. Application of ABAAS is specified in GSA's Federal Management Regulation (subpart c). Unless specifically exempted by ABAAS, all public use areas, common use areas, and employee areas must be accessible, and accessible routes must connect all accessible spaces.

The following are some of the major elements of a federal building or facility that must be on accessible routes, where planning for accessibility is critical: Entrance doors, entrance vestibules, interior doors, corridors, toilet rooms, telephones and TTYs, drinking fountains, visible and audible alarms, signage, wheelchair seating in assembly areas and dining facilities, service counters, and ramps or elevators where changes in level are necessary.

ABAAS is mandatory for all GSA design and construction projects. GSA is also responsible for compliance with all applicable state or local accessibility standards. Where such exist, the most stringent accessibility requirements are to be applied regardless of whether they are contained in state or local codes and regulations or ABAAS.

GSA has a National Accessibility Officer and eleven Regional Accessibility Officers (located in each GSA Region) who are responsible for the implementation of GSA's National Accessibility Program. They can be contacted for technical information and assistance concerning the application of ABAAS to DHS facilities.

The ABA is enforced by the United States Architectural and Transportation Barriers Compliance Board (Access Board). A complaint under the ABA can be filed with the Access Board online, by email, mail, or fax. A complaint may be filed by anyone, and may be filed anonymously. If the Access Board learns that federal accessibility standards were not met, the Board notifies the responsible agency and requests a plan and schedule to remove the barrier(s). An accessibility corrective action cannot be placed on hold until the next repair project is undertaken. A valid complaint must be corrected at the earliest possible date. By law, the Access Board has 180 days to resolve a complaint. A correction or corrective plan of action must be proposed within that time. The ABA compliance process emphasizes informal resolution. However, if informal resolution cannot be achieved, the Access Board can initiate formal proceedings before an administrative law judge to obtain an order of compliance. Penalties for non-compliance can include the withholding or suspension of federal funds with respect to the building found not to be in compliance with ABAAS. A complaint is closed only after the necessary corrective action is completed.

In addition, the Access Board provides information about the ABA by telephone, fax, or e-mail. Design professionals and others can contact the Access Board to ask questions about general or specific ABA requirements including questions about GSA's ABA Accessibility Standard.

It should be noted that the Access Board has issued guidelines for temporary housing provided by FEMA and other entities in emergencies and natural disasters. Emergency transportable housing units, which are designed and manufactured for transport over roadways, have a smaller footprint than other types of housing and pose unique accessibility challenges. Access to such housing was found to be problematic in the aftermath of hurricanes Katrina and Rita in 2005. The new guidelines supplement the Board's ADA and ABA Accessibility Guidelines by adding provisions and exceptions that specifically address emergency transportable housing. Once these guidelines are adopted into the ABA Standards by the U.S. Department of Housing and Urban Development and into the ADA Standards by DOJ, they will be enforceable standards.

2.8 Reasonable Accommodations and Modifications

Principle #9: Reasonable Accommodations and Modifications.

The agency:

- must make reasonable changes to rules, policies, practices, and procedures to provide meaningful access to qualified individuals with disabilities;
- must let program applicants and participants know about their right to request reasonable accommodations and modifications; and
- may deny the accommodation or modification if providing it would result in a fundamental alteration or undue financial and/or administrative burden.

Principle #10: Individualized Assessment.

Each request for an accommodation or modification must be assessed individually. An agency may not base its decisions on assumptions, stereotypes, or beliefs about individuals with disabilities. The decision must be based on an objective, fact-based inquiry regarding the need and how best to accommodate it. The agency must engage with the qualified individual with a disability in an interactive process, which involves a good faith effort to identify an accommodation or modification that will be effective and reasonable. The agency may wish to establish procedures by which the interactive process is conducted.

Principle #11: No Surcharges.

An agency cannot charge a qualified individual with a disability a fee for providing equal access or a reasonable accommodation or modification. Examples of reasonable accommodations and modifications provided to the individual include:

- a ramp to surmount a step or high threshold, a cot/bed modified to address disability-related needs, grab bars, additional storage space for medical equipment, lowered counters or shelves;
- a qualified interpreter, a visual alarm, a message board; and
- braille and raised letter signage, assistance in completing forms, or documents produced in braille, large print, or audio recording.

Notes Regarding Principles 9-11: Under Section 504, a qualified individual with a disability who is seeking an accommodation or modification is generally expected to express that request to provide an agency with notice of the disability, unless that disability is obvious. There must be a relationship (nexus) between the requested change and the individual's disability. To comply with Section 504, the agency is required to provide a reasonable accommodation or modification to ensure the qualified individual with a disability has meaningful access to programs or activities.

Once notified about a disability-related request, the agency has an affirmative obligation to understand the nature of the request and explore alternatives for accommodations and modifications. This interactive process requires communication and good-faith exploration of possible accommodations and modifications, and neither side can unnecessarily delay the process.

An individual with an obvious disability may choose not to request an accommodation or modification for a variety of reasons. In these circumstances, the agency cannot require a qualified individual with a disability to accept an accommodation, modification, aid, service, opportunity, or benefit that was declined by the individual. Given that the nature of the disability and the program or activity may change, the qualified individual with a disability has a continuing right to make requests for accommodations and modifications over time. This underscores the importance of open lines of communication between the program staff and the individual.

A request for an accommodation or modification may be made by someone else on behalf of the qualified individual with a disability. The agency has an affirmative obligation to offer an accommodation or modification to someone with a known disability where that disability impairs the individual's ability to know of, and effectively communicate the need for, an accommodation or modification that is obvious to the agency. The "failure to accommodate" form of discrimination includes the failure to notify a qualified individual with a disability of their right to request an accommodation or modification.

Although the agency is required to provide a reasonable accommodation or modification, the accommodation or modification provided does not necessarily need to be the one requested by the individual. An agency is required to make accommodations and modifications that are effective and reasonable, but not fundamental or substantial modifications to its program or services. The reasonableness of a requested accommodation or modification is a highly fact-specific, context-specific inquiry. Reasonableness requires a fact-specific, analysis of the individual's circumstances and the accommodation or modification that might allow the individual to meet the program's standards. A modification to "an essential aspect" of the program constitutes a "fundamental alteration" and, therefore, is an unreasonable accommodation.

The agency is not required to take any step that would impose undue burdens (i.e. financial, administrative). The "undue burden" standard is a high one. For example, whether an action would be an undue financial burden is determined by considering all of the resources available to a Component in the operation of the program.

The definition of "Undue Burdens" established in Instruction 065-01-001 and included in this Guide reads as follows: "R. Undue Burdens: Those financial and administrative burdens that entail significant difficulty or expense or add significant new administrative responsibilities, when assessed in comparison to all Component resources available for use in the funding and operation of the conducted program or activity, as determined by the Secretary of Homeland Security (or his or her designee)." CRCL recognizes the need for additional guidance and Department-wide procedures for making undue burden determinations. CRCL will continue to work with the Office of General Counsel and DHS Components to consider options for formalizing the Department's process for determining undue burden, consistent with the DHS regulation (6 C.F.R. Part 15) and any Component's existing Section 504 regulation.

2.9 Enforcement of Section 504

Under Section 504, each agency is responsible for enforcing its own regulations. The Secretary of DHS delegated enforcement authority to CRCL (DHS Delegation Number 19003). CRCL works with the relevant Component offices to carry out enforcement. Components are encouraged to contact CRCL to obtain technical assistance in achieving compliance with the requirements of Section 504.

Section 504 may also be enforced through private lawsuits. It is not necessary to file a complaint with a federal agency or to receive a "right-to-sue" letter before going to court. Complainants cannot obtain compensatory damages but can obtain injunctive relief.

Under the DHS Section 504 regulation, qualified individuals with a disability may file a "complete complaint" with CRCL if they believe that they have been subjected to discrimination by a DHS-conducted program or activity. A "complete complaint" is a signed, written statement (which may be signed by the complainant or by someone authorized to do so on behalf of the complainant). It must contain the complainant's name and address, and describe the Department's alleged discriminatory action in sufficient detail to inform the Department of the nature and date of the alleged violation of Section 504. The complaint must be timely filed with the Department within 180 days of the last alleged act of discrimination, unless good cause is shown. A complainant may contact CRCL by email, by fax, by postal mail, or by phone. CRCL will typically attempt to contact the Complainant regardless of whether the incoming correspondence includes a signed written statement, and CRCL may request additional information from the Complainant regarding the alleged violation.

When concluding the investigation of a complaint, DHS must issue findings of fact, conclusions of law, a description of a remedy for each violation found, and a notice of the right to appeal to the Officer for CRCL. On February 28, 2008, the Officer for CRCL delegated this responsibility to the Deputy Officer for Programs and Compliance to allow an appeal to the Officer for CRCL as provided for in the DHS Section 504 regulation (DHS Delegation Number 19001). The Department is also authorized under the regulation to resolve a complaint informally. In such a case, the terms of the agreement must be reduced to writing and made part of the complaint file, with a copy of the agreement provided to the complainant. The written agreement must describe the subject matter of the complaint and any corrective action to which the parties have agreed.

Part 3: The Self-Evaluation and Planning Cycle at a Glance

Under DHS Directive 065-01 and its implementing Instruction, the Component Self-Evaluation is to be conducted on a recurring basis, at least once every seven years, as determined by CRCL. Once initiated by CRCL, the evaluation and planning process is to be completed over an 18-month time frame, with implementation of the Component Plan to be carried out over the subsequent six months. The chart below provides an overview of the Component Self-Evaluation and Planning cycle.

By End of Month #	CRCL and Component Actions
0	CRCL convenes the Kick Off Meeting for the Component Self-Evaluation process
2	Components submit an Evaluation Methodology to CRCL for review
3	CRCL provides comments to Components on the Methodology
4	Components address CRCL comments; Components commence the Evaluation
11	Components conduct the Evaluation; involve the disability community; submit the completed Evaluation to CRCL
13	CRCL completes review of the Evaluation; CRCL provides comments to Components; Components make changes as needed
15	Components submit a Draft Component Plan to CRCL
17	CRCL provides initial comments to Components on the Draft Component Plan
18	Components address the CRCL comments and submit the final Component Plan to CRCL for approval
24	Components carry out the Plan; share the Plan with the disability community; coordinate with CRCL as needed; submit the Implementation Report to CRCL

Part 4: The Component Self-Evaluation

4.1 Overview of the Component Self-Evaluation

Section VI.B of Instruction 065-01-001 describes the Component Self-Evaluation as follows:

1. Description: Each Component conducts a Self-Evaluation of the Component's programs and activities. The Component Self-Evaluation:
 - a. Identifies any barriers to access posed by existing policies, communication mechanisms, and physical spaces;
 - b. Identifies any gaps in existing Component policies or procedures for providing reasonable accommodations and modifications to qualified individuals with disabilities; and
 - c. Provides a holistic picture of how the Component provides access to individuals with disabilities within its programs and activities and areas requiring strengthening for compliance with Section 504.
2. Contents: Each Component conducts a Self-Evaluation that evaluates the Component at two levels: the first is a comprehensive assessment of policies and procedures at the headquarters level; and the second is an assessment of how policies and procedures are implemented and how the Component's service delivery practices and/or operations are carried out.

4.2 Steps in the Self-Evaluation Process

Section VI.B of Instruction 065-01-001 specifies the following steps in the Component Self-Evaluation process:

1. CRCL convenes a kick-off meeting with the Component Disability Access Coordinators and distributes a Guidance Manual that provides instructions on conducting the Self-Evaluation and preparing the Component Plan. (See Section 4.3.2.1 for details on the designation of Disability Access Coordinators).
2. Components prepare and submit to CRCL a Self-Evaluation Methodology within the first two months of the project.
3. CRCL reviews the Component Methodology and provides comments to Components within three months of the start of the project.
4. Components address CRCL comments and commence the Self-Evaluation within four months of the start of the project.

5. Components provide an opportunity to interested persons, including individuals with disabilities or organizations representing individuals with disabilities, to participate in the Self-Evaluation; participation of interested persons will be consistent with guidance developed by CRCL, taking into consideration unique circumstances across Component operations including sensitive and/or law enforcement settings.
6. Components keep CRCL informed and involved as appropriate throughout the Self-Evaluation.
7. CRCL provides Components technical assistance as needed throughout the Self-Evaluation, including providing guidance on tailoring the Self-Evaluation to fit the Components' size, mission, and interactions with individuals with disabilities.
8. Components complete the Self-Evaluation and submit it to CRCL within 11 months of the start of the project.
9. CRCL provides comments to Components on the Self-Evaluation within 13 months of the start of the project.

4.3 Developing the Self-Evaluation Methodology

The implementing Instruction for DHS Directive 065-01 sets out the questions that will be posed to Component programs in order to determine areas in need of strengthening for compliance with Section 504. The Instruction requires each Component to begin the process by developing a Methodology to guide how the Self-Evaluation itself is to be carried out. The Component Methodology must:

- Identify all the points at which the Component encounters and serves individuals with disabilities in its conducted programs and activities;
- Identify the key individuals within each program with whom the Coordinator will be working to conduct the evaluation; and
- Describe the approach the Component will take in conducting the comprehensive assessment of policies at the program headquarters level and in conducting the assessment at the field level.

The Methodology can be thought of as the map for the Self-Evaluation. Using the Methodology, Components will be able to carry out a thorough and meaningful assessment that fits the unique structure, mission, and context associated with their own programs. Developing the Methodology will ensure that the approach taken for the Self-Evaluation will yield the desired insights while at the same time being manageable within the staffing and time constraints of the process. Components will draft the Methodology, receive input from CRCL, and make refinements as needed. The iterative process of developing the Methodology will ensure that Components and CRCL share a mutual understanding of the scope of the Self-Evaluation.

4.3.1 Determining the Programs to be Evaluated

The first step in developing the Methodology is determining which of the Component's programs need to be evaluated. In Appendix A, CRCL has recommended an initial listing of Component programs and activities which likely interact with members of the public, which includes any external stakeholders encountered and served by DHS. Components should begin with this list, add or modify it as appropriate, and make a final determination as to which programs will be part of the Self-Evaluation. To make this determination, Components need to understand what are conducted programs and activities and how the Self-Evaluation will apply to customer service settings, law enforcement settings, and situations involving exigent circumstances.

4.3.1.1 What are Conducted Programs and Activities?

In simple terms, a federally conducted program or activity is anything a federal agency does. An exception is made for any program or activity conducted outside the United States that does not involve individuals with disabilities in the United States.

There are two major categories of federally conducted programs or activities covered by Section 504: those involving general public contact as part of ongoing agency operations and those directly administered by the agency for program beneficiaries and participants. Activities in the first category include communication with the public (telephone contacts, office walk-ins, or interviews) and the public's use of the agency's facilities (libraries, cafeterias, or auditoriums).

Activities in the second category include programs that provide federal services or benefits. Examples include immigration and naturalization benefits, federal disaster services, airport security screening, federal building security screening, protective security at major events, customs activities, border protection activities, and enforcement of immigration laws and operation of immigration detention facilities. A Component's activities carried out through contracts are considered conducted activities and are subject to the same obligations.

DHS Directive 065-01 and its accompanying Instruction apply to all DHS Components. Each Component is responsible for following the Instruction to the extent it provides programs, services, and activities to the public. These interactions include contacts via any medium, including, but not limited to, websites, email, phone, and in-person contact.

CRCL encourages each Component to look very carefully at its programs and activities in evaluating its interface with the public. For example, the scope of a Headquarters Component's activities may include monitoring the security of the United States on a daily basis and coordinating activities within the Department and with governors, Homeland Security Advisors, law enforcement partners, and private sector entities in the states and major urban areas nationwide. Among the non-federal stakeholders with whom the Component interacts, there may be individuals who have disabilities fulfilling these professional roles. This would likely necessitate that the Component designate a staff member to ensure accessibility of interactions such as meetings, exercises, and communications that involve individuals outside of the federal government, along with a policy and procedure for providing reasonable accommodations and modifications when requested.

4.3.1.2 Interacting with Individuals with Disabilities in Various Settings

Based on the above discussion related to “what is a conducted program or activity,” it is clear that DHS programs and activities interact with individuals with disabilities in a wide array of settings. Based on the various missions of DHS Components, it is possible to loosely characterize these interactions with individuals with disabilities as follows:

- Customer Service Activities refer to activities or programs that involve direct interaction where the public is seeking information, services, or benefits, or DHS is seeking to provide the same. For example, FEMA services at Disaster Recovery Centers, the CIS Ombudsman case assistance services site, and assistance the USCIS National Customer Service Center (NCSC) provides to customers through its telephone line are among programs/activities that fall into this category.
- Security Activities refer to activities or programs having as their main mission providing and supporting the safety and security of our Nation, including the safeguarding of federal buildings, aviation, infrastructure, and the U.S. populace at large. For example, security activities of TSA’s Office of Security Operations (OSO), CBP inspection activities at the border, NPPD’s use of Explosive Detection Dog Teams, and USCG’s boarding and inspecting of vessels are among the programs/activities that fall into this category.
- Custody Activities refer to activities or programs that involve the detention of persons where there is reason to believe the individual is removable, including for example, detention in response to illegal border crossing or unlawful presence in the U.S. as well as custody associated with other criminal apprehensions. For example, ICE Enforcement and Removal Operations (ERO) detention operations, CBP hold room activities, and TSA’s Office of Law Enforcement Air-Marshal Service activities fall into this category.

These categories of interactions are not mutually exclusive. Several of the Components conduct programs and activities that involve interactions falling into two or more of these groupings. The groupings do, however, help illustrate the tremendous diversity across DHS programs – from interactions that involve lengthy, sit down meetings, to those that last a few minutes at a check point, to those that involve holding an individual in custody for some length of time.

In general, customer service contacts and custody interactions have extended opportunities to undertake an interactive process leading to reasonable accommodations and modifications. These are settings where it is possible for a DHS representative and a qualified individual with a disability to engage with each other about the request for a reasonable accommodation or modification, the process for determining whether an accommodation or modification can be provided, and identification of alternative accommodations and modifications. By contrast, personnel involved in certain law enforcement operations associated with security activities must adapt quickly to meet individual needs under often difficult circumstances. The next two sections are intended to clarify what specific considerations should be applied in this context when executing a law enforcement or protective mission.

4.3.1.3 Interacting with Individuals with Disabilities in Law Enforcement Settings

The DHS Section 504 regulation (6 C.F.R. Part 15) does not provide for an exemption for law enforcement activities. Its scope of coverage includes all programs and activities (except those conducted outside the United States). As a general matter, DOJ guidance maintains that Section 504 prohibits discrimination in programs and activities conducted by federal agencies, including law enforcement agencies. The provisions of Section 504 prohibit discriminatory treatment, including misconduct, on the basis of disability in virtually all programs and activities conducted by law enforcement agencies. These activities include, among others, questioning witnesses, , enforcing laws, addressing citizen complaints, taking individuals into custody, and detaining suspects.

4.3.1.4 Exigent Circumstances Related to Interacting with Individuals with Disabilities

As for exigent circumstances, law enforcement officers may respond appropriately to real threats to health or safety, even if an individual's actions are a result of her or his disability. The requirement to provide reasonable accommodations and modifications will take into account exigent circumstances. But it is important that officers are trained to distinguish behaviors that pose a real risk from behaviors that do not, and to recognize when an individual, such as someone who is having a seizure or exhibiting signs of psychotic crisis, needs medical attention.

Unexpected actions taken by some individuals with disabilities may be misconstrued by law enforcement officers as suspicious or illegal activity or uncooperative behavior. Individuals who are deaf or hard of hearing, are blind or have low vision, or who have speech disabilities or intellectual disabilities, may not recognize or be able to respond to directions issued by a law enforcement officer. These individuals may erroneously be perceived as uncooperative. Some people with disabilities may have a staggering gait or slurred speech related to their disabilities or the medications they take. These characteristics, which can be associated with neurological disabilities, mental/emotional disturbance, or hypoglycemia, may be misperceived as intoxication. Development of training, sensitivity, and awareness among officers will help to ensure equitable treatment of individuals with disabilities as well as effective law enforcement.

4.3.2 Enlisting the Participation of Key Personnel

The success of the Self-Evaluation and Component Plan will depend upon engagement of an array of individuals, providing contributions of leadership and expertise at multiple levels within the organization. Components are encouraged to undertake all of the following efforts to engage key players:

- Gaining commitment from Component leadership through personal involvement, messaging, and monitoring by the Component Head and/or Chief of Staff;
- Designating Disability Access Coordinators and other key staff to conduct the Self-Evaluation and develop the Component Plan;
- Involving individuals with disabilities at the beginning, during, and following the evaluation and plan process; and
- Institutionalizing new and modified procedures at all levels within the Component to strengthen disability access over time.

At the center of this effort will be the work of the Component Disability Access Coordinators and the larger network of personnel who will serve as the project team.

4.3.2.1 Designating Lead and Supporting Disability Access Coordinators

Under DHS Directive 065-01, each Component designates a lead 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. See the implementing Instruction 065-01-001 for details regarding the required expertise, authority, responsibilities, and designation process for the lead Disability Access Coordinator. Among other things, the lead Disability Access Coordinator works with representatives across the Component's divisions and offices to serve as the central resource for Component compliance with Section 504, serve as the point of contact for the public regarding questions and issues with respect to Component compliance, maintain awareness of the Component's procedures for providing reasonable accommodations and modifications to members of the public, and where appropriate take actions to address issues that arise from Section 504 complaints related to Component programs and activities.

In the context of implementing DHS Directive 065-01, the lead Disability Access Coordinator coordinates the Component's completion of the Self-Evaluation and preparation of the Component Plan. In so doing, the lead Coordinator provides outreach to individuals with disabilities, serves as the Component's representative to the DHS Disability Access Working Group, and coordinates with CRCL and other Component representatives as needed to strengthen the DHS community of interest on this topic.

However, as envisioned by the Directive and the Instruction, the sheer size and unique mission of many Components will make it necessary to designate additional Coordinators to provide support. Under this approach, the lead Coordinator serves as the Component's primary point of contact for supporting Disability Access Coordinators, providing guidance and technical assistance as needed. Components should look to the following two sources for designation of supporting Coordinators:

- **Key Program Offices.** By taking the earlier step of identifying the specific programs that will need to be evaluated, the Component is well positioned to know which headquarters level offices will need to be involved. Component leadership and senior management can be engaged as needed to identify individuals within each of these key offices to be designated as supporting Disability Access Coordinators. These individuals may not have had a prior focus on disability access or reasonable accommodations and modifications, but their disability expertise can be developed over time and their expert knowledge of program functions makes them invaluable partners for ensuring that disability access considerations are built into program policies and procedures. They can serve as liaisons in three ways – communicating upward to the lead Disability Access Coordinator, across to the supporting Coordinators within other Component programs, and downward to their program-related colleagues at the regional and field levels.

- **Regional/District Offices.** Another critical dimension for ensuring that disability access considerations are fully addressed at the point where Component programs interface with members of the public who have disabilities is the development of expertise at various levels outside of headquarters. DHS Component organizational structures vary widely by name, function, and geographic coverage. Many Components are in need of increased disability-related expertise at the regional/district level, where the Component provides operational oversight and program management of field offices, service centers, security facilities, and custody facilities. Components are encouraged to designate supporting Disability Access Coordinators at logical places within regional/district offices where disability access expertise can support personnel directly at the field offices/facilities.

An Example from FEMA: FEMA’s Office of Disability Integration and Coordination (ODIC) works with FEMA’s Office of Equal Rights to provide centralized coordination of disability considerations at the headquarters level with reach to the field. ODIC convenes an internal Disability Working Group (DWG) that has a diverse composition intended to position and share disability related expertise within the operational framework of FEMA’s programs and activities. The composition of the DWG includes liaisons from each of its primary operational areas as well as key administrative offices. In addition, DWG membership includes Regional Disability Integration Specialists who are employees of the FEMA Regional Offices, but who also maintain a “dotted line” reporting relationship back to ODIC. The composition of FEMA’s DWG facilitates the sharing of ideas and effective practices, along with consideration of disability access concerns, from multiple angles.

The Components’ designation of supporting Coordinators will pave the way for carrying out the Self-Evaluation and developing the Component Plan. It will also build the staffing infrastructure necessary to position expertise at key points within the Component to continue to strengthen compliance with Section 504 following the Self-Evaluation and into the future.

4.3.2.2 Developing the Component’s Evaluation and Planning Team

Conducting the Self-Evaluation and developing the Component Plan will require contributions from many individuals at many levels throughout the Component. Collectively, they will comprise the Component’s project team for this effort. Some of these individuals will have been designated as supporting Disability Access Coordinators during and beyond the Self-Evaluation process. Others will be involved only throughout the evaluation and planning process, but will contribute greatly to the effort and will as a result have increased their knowledge with respect to ensuring access for individuals with disabilities. In their Methodology, Components will need to identify the various players needed for this team effort. While each Component has its own requirements, CRCL recommends the following structure for organizing the project team:

- **Project Staff.** The lead Disability Access Coordinator will serve as the individual with overall responsibility for coordination of the Self-Evaluation and Planning process. Based on the needs of the Component, the project staff may need to be augmented beyond the lead Coordinator with contributions from additional personnel. The project staff will serve at the hub of the project’s moving parts, steering the work of the other

team members to ensure that the evaluation and planning process is accomplished in fulfillment of the Directive and within the timelines laid out in the Instruction.

- Headquarters Program Office Liaisons. Each of the key program offices identified in the steps above should designate a liaison to the project team. Liaisons should participate in overall planning and decision making, collect information regarding their program's policies and practices, and coordinate staff within the program office related to the requirements of the Self-Evaluation.
- Key Administrative Office Liaisons. The team will benefit from staff from key administrative offices who possess specialized expertise. Consideration should be given to the inclusion of representatives from the following areas: facilities management, capital planning, equal employment opportunity, finance and budgeting, and contracts and purchasing.
- Section 508 Coordinator(s). Many Components have designated an individual or individuals with responsibility for coordinating compliance with Section 508 of the Rehabilitation Act to ensure accessibility of its electronic and information technology. The individual(s) should be included in the project team, since ensuring accessibility of information and technology used by the public is an important part of strengthening access to Component programs and activities. A listing of Section 508 Coordinators for each Component may be found at www.Section508.gov.
- Regional/District Liaisons. For Operational Components, it will be critical to involve team liaisons from regional/district offices. These individuals will be instrumental in conducting Self-Evaluations and they provide invaluable insight as to disability access considerations within field offices/facilities. The initial meeting of the team should ideally involve the in-person attendance of all liaisons, but it may be necessary to rely upon video conferencing and teleconferencing technology to ensure that team members outside of headquarters are fully engaged throughout the work of the team.

4.3.3 Developing the Approach for the Self-Evaluation

Once the Component has determined the programs to be evaluated and the key staff to be involved, the third piece of the Methodology is an explanation of the approach to be taken by the Component in conducting its Self-Evaluation. All Components, regardless of whether they have field operations or not, should plan to evaluate their headquarters level program policies and procedures for opportunities to strengthen nondiscrimination for individuals with disabilities. For Components with field offices/facilities, the Methodology should also detail the approach the Component plans to take in evaluating programs at that level, based on an array of considerations. Thus the Methodology should be able to answer the following questions:

- How will the Self-Evaluation assess policies and procedures at the headquarters level?
- How will the Self-Evaluation assess programs and activities that are conducted at the regional and field levels?
- How will the Self-Evaluation assess the Component's programs carried out by contracted entities?
- How will the Self-Evaluation reflect important geographic considerations with respect to its programs?

- How will the Self-Evaluation be fully representative of the array of types of interactions that the Component has with the public?

This last question is an overarching consideration for many Components. DHS Directive 065-01 requires Components to identify barriers and gaps that can strengthen Component-wide compliance with Section 504. For the purpose of the Self-Evaluation, Components should plan to select a number of interaction points with the public that comprise a representative sample, so that findings and plans for strengthening compliance can be shared across the entirety of program sites. CRCL offers the following guidance with respect to this question:

- For Headquarters Components with a single or very few interaction points with the public, the Methodology should specify how most if not all of these interactions will be assessed as part of the Self-Evaluation.
- For Operational Components with numerous field locations nationwide, CRCL envisions that no less than one third of each type of Component field office/facility within each region/district should be assessed in order to ensure a representative sampling. For these Components, the Methodology should specify what number of offices/facilities, by type and geographic location, will be assessed as part of the Self-Evaluation.

4.4 Conducting the Self-Evaluation

The previous section, Developing the Self-Evaluation Methodology, provided guidance regarding the questions of “Which Component programs should be evaluated?” “Who should be involved?” and “What approach should be taken?” In this section, CRCL offers guidance on the questions of “How should the process be carried out?” “What instrument is available for use by program staff?” “What considerations should be borne in mind?” and “What should be done to report the results of the Evaluation?”

4.4.1 Initiating and Overseeing the Self-Evaluation

Following the finalization of the Methodology, Components commence the actual Self-Evaluation. The collaborative process that characterized development of the Methodology extends into the Self-Evaluation itself. Components keep CRCL informed and involved as appropriate throughout the process. Likewise, CRCL provides Components technical assistance as needed, including providing guidance on involving disability stakeholders as part of the Self-Evaluation.

Components will need to evaluate programs and activities at both the headquarters program management level where policy and guidance is established as well as at the service/operational level where interaction with the public occurs. As described below, CRCL recommends a single-phase approach for Headquarters Components and a two-phase approach for Operational Components:

4.4.1.1 Headquarters Components - Single-Phase Approach

Step 1: Project staff convene the project team to brief members regarding the finalized Methodology and set the Self-Evaluation process in motion.

Step 2: During the meeting, project staff distribute the Self-Evaluation Tool with instructions to program managers to begin completing the Tool. The program managers, who represent mission-focused offices, will need to consult with team members from key administrative offices (e.g., EEO, contracts and purchasing, facilities management) to complete the Tool for each program or activity conducted by the Component.

Step 3: Project staff provide reminders, guidance, and technical assistance to program managers, keeping the project on track within the agreed upon internal timelines.

Step 4: In accordance with internal timelines, project staff collect the completed Tools from program managers.

Step 5: Project staff review results from the completed Tools to identify initial conclusions regarding major findings and recurring themes.

Step 6: Project staff reconvene program managers to go over the results and solicit feedback that may help with articulating the findings and preparing the Self-Evaluation report.

4.4.1.2 Operational Components - Two-Phase Approach

Phase 1: Headquarters Program Management Level Assessment

Step 1: Project staff convene the project team to brief members regarding the finalized Methodology and set the Self-Evaluation process in motion. Videoconferencing or teleconferencing technology may be needed to ensure participation of all team members outside of headquarters. It will be important to have the entire project team briefed at this initial stage to ensure that everyone holds the same understanding and expectations regarding the process.

Step 2: During the meeting, project staff distribute the Self-Evaluation Tool with instructions to headquarters program managers who will be responsible for completing Part A of the Tool for their respective programs. Project staff wait to distribute the Tool to regional/district liaisons until Phase 2 of the process (see below).

Step 3: Project staff provide reminders, guidance, and technical assistance to headquarters program managers, keeping the project on track within the agreed upon internal timelines.

Step 4: In accordance with internal timelines, project staff collect the completed Tools (Part A only) from headquarters program managers.

Step 5: Project staff review results from the completed Tools to identify initial conclusions regarding major findings and recurring themes.

Step 6: Project staff reconvene headquarters program managers to go over the results and solicit feedback that may help with preparing for the subsequent assessment at the service/operational level.

Phase 2: Service/Operational level Assessment

Step 1: Project staff and regional/district liaisons coordinate to identify (a) the specific field offices/facilities which will be evaluated and (b) the lead individual at each field office/facility who will be responsible for conducting the assessment at their venue.

Step 2: Project staff convene an initial videoconference or teleconference meeting of all regional/district liaisons and field office/facility leads. Project staff brief the group on the objectives of the Self-Evaluation and the use of the Tool.

Step 3: During the meeting, project staff distribute the Tool to the group with instructions for field office/facility leads on how to conduct the assessment.

Step 4: Project staff participate in at least one evaluation within each region. The objective is to ready the regional/district liaison to participate in each of the evaluations that will be made at field offices/facilities within their geographic area. Initial involvement of project staff and subsequent involvement by regional/district liaisons will ensure consistency of approach and provision of technical assistance to field offices and facilities throughout the process.

Step 5: Project staff support regional/district liaisons in their efforts to involve disability stakeholders in the Self-Evaluations being conducted at the field offices/facilities.

Step 6: Project staff provide reminders, guidance, and technical assistance to regional/district liaisons and field office/facility leads, keeping the overall Self-Evaluation on track within the agreed upon internal timelines.

Step 7: In accordance with internal timelines, regional/district liaisons collect Tools from the leads at the participating field offices/facilities and submit them to project staff.

Step 8: Project staff review results from the completed Tools to identify initial conclusions regarding major findings and recurring themes.

Step 9: Project staff reconvene regional/district liaisons and field office/facility leads to go over the results and solicit feedback that may help with articulating the findings and preparing the Self-Evaluation report.

The step by step procedures detailed here recognize the need for efficiency in the project. Use of the regional/district personnel to support work at the field office/facility level will reduce the need for extraordinary travel and direct involvement by headquarters project staff. Taking a “train the trainers” approach whereby headquarters staff guide the work of the regional/district

staff, and regional/district staff guide the work of the field office/facility staff, ensures both effectiveness and efficiency.

4.4.2 Introducing the Component Self-Evaluation Tool

During the development of the Directive and the implementing Instruction, Components requested that CRCL provide an instrument which could be used by program managers to collect the information being sought in the Self-Evaluation. Responding to this request, CRCL developed Appendix B of this Guide to provide an instrument entitled “Component Self-Evaluation Tool.” The questions contained in this Tool are directly from the Component-cleared and finalized Instruction that implements the Directive.

The Tool is organized into three parts. Part A assesses the accessibility of program policies and procedures. Part B assesses the program’s steps to ensure effective communication with individuals with disabilities. Part C assesses the physical accessibility of the built environment in which the program’s interactions with individuals with disabilities take place. CRCL has provided examples in many areas within the Tool to illustrate how the questions apply to various Component service and operational settings.

The Tool will serve as a resource for all Components. For Headquarters Components, program managers will complete the Tool in its entirety for each program or activity (i.e., each mission-related function) that interacts with individuals outside of federal government. For Operational Components, headquarters program managers will complete Part A of the Tool, while participating field office/facility leads will work with their program managers to complete the entirety of the Tool for each program or activity being conducted at their venues.

The following examples from Headquarters and Operational Components illustrate how and by whom the Tool will be completed. At the DHS OPA, a Headquarters Component, the program manager for Incident and Strategic Communications will complete the entirety of the Tool for that program. At FEMA, an Operational Component, the headquarters level program manager for Individual Assistance (IA) will complete Part A of the Tool, focusing on the headquarters level policies and procedures governing that program. Meanwhile, at each FEMA Joint Field Office (JFO) participating in the Self-Evaluation, the head of Individual Assistance will complete the Tool to assess the delivery of IA services to disaster survivors being served at the JFO’s Disaster Recovery Centers. Similarly, at ICE, the headquarters level program manager for ICE Health Services will complete Part A of the Tool, focusing on the headquarters level policies and procedures governing that program. At each ICE detention facility participating in the Self-Evaluation, the head of Health Services will complete the Tool to assess the delivery of health services to detainees within that facility.

CRCL encourages Components to use the Tool from the Reference Guide to ensure that all of the required evaluation questions are posed to DHS programs as well as to promote consistency of effort across the Department. However, Components may choose to supplement the Tool with additional questions which a particular Component may want to pose to its programs and activities to strengthen nondiscrimination and equal opportunity for individuals with disabilities. Likewise, Components may choose to reformat the Tool to meet their needs, while at the same

time ensuring that all evaluation questions required by the Instruction are included in their final instrument.

4.4.3 Considerations Related to Part A of the Tool

To complete Part A of the Tool, the program manager will need to collect and document the policies and practices that govern the administration of the program being assessed. Key documents may take the form of written policies, manuals, policy directives, administrative directives, guidance memoranda, and unwritten policies, procedures, or practices. In conducting this analysis, the program manager must take into account the fact that discrimination can happen not only as a result of what is in its policies, but also as a result of what is not in its policies. As one safeguard against this possibility, it will be important to note if an affirmative nondiscrimination statement for the program is in place where appropriate.

Another important area of inquiry is considering how program eligibility and admission criteria or licensing standards and procedures might directly or indirectly impact participation by qualified individuals with disabilities. Particular attention should be paid to public-facing policies that establish or incorporate:

- physical or mental fitness or performance requirements;
- safety standards;
- testing requirements;
- educational requirements;
- work experience requirements;
- income level requirements;
- credit rating requirements;
- requirements based on disability;
- requirements that prohibit participation because of disability; and
- insurability requirements.

The questions posed in Part A of the Tool apply equally to the performance of contractors and contracted entities which carryout programs and activities on behalf of DHS. To answer several of these questions, it will be necessary for the program manager to document any relevant communications including correspondence to, reminders to, and trainings of contractors regarding their nondiscrimination obligations. Of particular importance are assurances within contract agreements that commit the contractor to its obligations under Section 504 in general, and specifically to physical, programmatic, and communication accessibility for individuals with disabilities. If such assurances do not exist, the program manager will note this fact at the appropriate places within the Tool. The program manager will also be able to note any circumstances when it has been deemed important that the contractor's qualifications include demonstrated experience in providing access for, accommodations and modifications for, or specialized services to individuals with disabilities.

The final question of Part A asks the program manager to document the outcomes of any complaints received alleging discrimination against a qualified individual with a disability due to exclusionary policies and practices. A similar inquiry is made at the end of Part B specific to the

lack of effective communication and at the end of Part C specific to the lack of physical access within the program. Thus, the Self-Evaluation of the program will need to include a review of all relevant complaints. Specifically, the program manager will need to review the information and evaluate how complaints are resolved to understand systemic implications. A given pattern of complaints might, for example, point out the need for more effective and consistent reasonable accommodations and modifications procedures within the program.

CRCL is aware that the Component's program office and civil rights office may not maintain on hand all of the relevant documentation to conduct this review. Given CRCL's statutory role in investigating complaints alleged against DHS programs, CRCL may already possess much of this information. During the evaluation, CRCL will continue to share all relevant complaint-related information with Component staff to assist in fulfillment of this portion of the Self-Evaluation.

4.4.4 Considerations Related to Parts B and C of the Tool

The entirety of the Tool, including Parts B and C, will be completed by the program manager at the point where the program or activity interacts with the public. Some programs may have well-refined procedures for providing access and reasonable accommodations and modifications, others may not have such procedures in place. The Tool provides an opportunity to identify physical and communication barriers, along with gaps where policies and procedures need to be strengthened.

Part B of the Tool is an opportunity for the program manager to describe how the procedures and staff that govern the interactions with the public ensure effective communication with individuals with disabilities. The program manager will be able to highlight existing policies/procedures and the degree to which disability nondiscrimination considerations are covered there. The questions in Part B also capture the training that front line staff receive in understanding disability myths and facts, using appropriate disability terminology, and providing auxiliary aids and services to individuals with disabilities.

Part C of the Tool assesses the physical accessibility of the program's service/operational setting. Prior to completing this portion of the Tool, it may be helpful for the program manager to review the key principles related to this topic as discussed in Part 2 of this Guide. Under Section 504's obligation to ensure program access, Components are required to determine if physical barriers in facilities they occupy cause discrimination against individuals with disabilities by preventing or interfering with their participation in programs conducted in those facilities. Barriers that result in discrimination must be removed or the program otherwise modified to ensure that individuals with disabilities have access to programs and activities.

The objective of Part C of the Tool is to identify any existing major physical barriers to individuals with disabilities receiving program services and activities. It is not the purpose of the Tool to undertake an investigation to determine each facility's compliance or noncompliance with applicable architectural standards. Some of the Component's facilities may already have been assessed under previous federal agency Section 504 evaluations conducted prior to the formation of DHS. Likewise, for Components who contract with state or local entities to

conduct activities on behalf of DHS, these governmental facilities may have already been evaluated under Title II of the ADA.

In completing Part C of the Tool, CRCL recommends that the program manager focus on the following priority features within the built environment:

- Accessible parking
- Accessible approach and entrance (exterior routes)
- Access to goods and services (interior routes)
- Public service areas and assembly spaces
- Toilet rooms and water fountains
- Emergency Plans/Continuity of Operations (COOP) – Evacuation and Sheltering-in-Place

For security and custody facilities, these priorities should also include:

- Hold rooms and detainee housing
- Dining, showering, and toilet facilities
- Examination rooms and medical equipment
- Libraries and classrooms
- Visiting areas
- Emergency Plans/Continuity of Operations (COOP) – Evacuation and Sheltering-in-Place

In responding to the questions contained in Part C, the program manager will need to draw from sources of experiential information. The program manager will need to review appropriate records and interview relevant personnel to identify any of the following circumstances:

- any decisions made by program staff to move or alter the delivery of services to individuals with disabilities due to inaccessible architectural features;
- anecdotal information from Component employees or visitors with disabilities who have noted inaccessible architectural features; and
- any concerns regarding inaccessible architectural features raised by family members, visitors, and advocates for individuals with disabilities.

The evaluation questions established in the Instruction and contained in the Tool require Components to make judgments about the effect of the facility on access for individuals with disabilities. By carefully analyzing the information collected in Part C and discussing the findings with the other staff and liaisons participating in this project, the program manager will be able to make a “good faith” determination of the extent to which existing inaccessible features constitute barriers to program participation by individuals with disabilities.

The results of Part C of the Self-Evaluation should enable the program manager in charge of services/operations to develop priorities for making structural changes. For example, solving an access problem that prohibits individuals with disabilities from entering the program’s only or principal public service area should obviously be a very high priority item to be attended to as soon as possible. Making minor adjustments to features that do not conform precisely to the

architectural standards but that do not significantly impede access should be treated as a lesser priority.

4.4.5 Preparing and Submitting the Self-Evaluation Report

Under the timeline set out in the Instruction, Components are to complete the Self-Evaluation and submit its results to CRCL within 11 months of the start of the project. In the subsequent two-month period, CRCL will provide comments to Components on the Self-Evaluation. The results of the Self-Evaluation, in conjunction with CRCL's comments, will serve as the foundation for developing the Component Plan (see Part 5 of this Guide).

To ensure that the results of the Self-Evaluation are captured in a comprehensive and accurate manner, the Component should document the findings in a single report. In the words of the Instruction, this report creates a "holistic picture of how the Component provides access to individuals with disabilities within its programs and activities and areas requiring strengthening for compliance with Section 504."

CRCL recommends that the report be structured as follows:

Part 1: Methodology. A logical starting point for the report is the Component's Methodology, included in its entirety, to provide the reader with the context for the Self-Evaluation. This Part will be concluded with a description of how the Component fulfilled the approach laid out in the Methodology, and how the Component addressed any unforeseen challenges encountered or deviations made in conducting the project.

Part 2: Program Assessments. The body of the report will present the results of the assessments conducted for each program and activity examined under the Self-Evaluation. This section will articulate any existing physical, programmatic, or communication barriers identified as well as any current gaps in program policies and procedures. The goal in writing this section is to be both comprehensive (addressing each of the programs assessed) while also being concise enough to bring focus to the primary findings of the assessment.

Part 3: Conclusion - Major Findings and Recurring Themes. It is critical for the report to conclude with an analysis of the findings documented across the program assessments. This analysis will serve as the basis for the development of the Component Plan in the next phase of the project.

There are several ways to characterize the major findings and recurring themes that emerge. Barriers and gaps in the Component's primary programs should be articulated. Examples of barriers that could be highlighted include the need to modify an existing exclusionary policy to ensure equal opportunity for qualified individuals with disabilities, the need to modify the existing practices related to provision of qualified interpreters, or the need to address major physical barriers that routinely lead to individuals with disabilities being served in segregated settings. Examples of gaps that could be highlighted include the need for affirmative nondiscrimination statements within the policies that govern the program, the need for program-

wide reasonable accommodations and modifications procedures, or the need for expertise and resources to enable the program to furnish auxiliary aids to individuals with disabilities.

In addition, for Operational Components, the Conclusion should contain major findings and recurring themes in terms of barriers and gaps from an organizational perspective. For example, it is important to call out findings and themes that are unique to specific types of offices/facilities, along with differences in policy and practice from one geographic region to another.

Note Regarding Facility Self-Evaluations. At this phase in the process, the project staff is selecting findings from facility assessments that rise to the level of being a major finding or contribute to being a recurring theme from a program-wide perspective. During the Component Plan phase, these individual facility assessments will be revisited. Project staff will work with regional/district liaisons and field office/facility leads to develop a disability access plan for each participating facility ensuring that the barriers and gaps within that facility are addressed and a way forward is determined for strengthening equal opportunity for individuals with disabilities.

4.5 Involving Disability Stakeholders in the Self-Evaluation

DHS Directive 065-01 requires that Components provide an opportunity to interested persons, including individuals with disabilities or organizations representing individuals with disabilities, to participate in the self-evaluation process. This requirement helps ensure that Components' Self-Evaluations take into account the firsthand experiences of individuals with disabilities, including those who will be served or encountered in Components' programs and activities. The importance of soliciting direct involvement from disability stakeholders cannot be understated; the unique expertise of these stakeholders needs to be thoroughly incorporated into the Self-Evaluation to have meaningful results.

4.5.1 Initiating Engagement with Disability Stakeholders

CRCL initiated contact with a core group of disability stakeholders in September 2014. At that time, stakeholders heard from the Officer for Civil Rights and Civil Liberties, met Component Disability Access Coordinators, and heard about examples of recent DHS activities to improve access to programs and activities for people with disabilities.

Some Components, such as FEMA, already have stakeholder relationships in place, to communicate on a routine basis about activities they have undertaken to strengthen access to their programs and activities for individuals with disabilities. Another example is TSA, which works with its Disability and Multicultural Coalition to address issues facing individuals with disabilities and medical conditions in the realm of air travel.

A critical part of the initial meeting with stakeholders was devoted to hearing directly from stakeholders. Many participants provided their perspectives on major themes with regard to the intersection of individuals with disabilities and DHS programs and activities. CRCL will continue to foster stakeholder involvement by facilitating the establishment of partnerships between stakeholders with specific subject matter expertise and Component Disability Access Coordinators. For example, at ICE, stakeholders with expertise in issues relevant to detainees with disabilities will be encouraged to align themselves to work with ICE personnel who are involved with the self-evaluation process. CRCL is invested in facilitating ongoing coordination of this stakeholder engagement process to create an open and ongoing dialogue that will strengthen Section 504 compliance within DHS.

4.5.2 Soliciting Stakeholder Involvement During Development of the Methodology

Engaging disability stakeholders at the Component headquarters level was the starting point for an exchange of information and ideas. The next step in this process involves CRCL and Components collaborating to hold a series of more refined discussions with stakeholders that will inform the development of Components' Self-Evaluation Methodology. Specifically, CRCL will work with each Component to engage with a small group of stakeholders pulled from the larger, core group that participated in the kick-off meeting. These smaller groups of Component-

specific stakeholders will possess specialized knowledge and skills that are relevant to the mission area supported by the Component. As relationships are built, it may be useful to contact “national level” stakeholders, as a starting point. These national level stakeholders include representatives from the following organizations, each of which has state or regional affiliates that may be interested in collaboration:

- The National Disability Rights Network (NDRN), the non-profit membership organization for the federally mandated Protection and Advocacy (P&A) Systems and Client Assistance Programs (CAP). Collectively, the P&A/CAP network is the largest provider of legally based advocacy services to people with disabilities in the United States. (<http://www.ndrn.org/en/about/about-ndrn.html>)
- The National Council on Independent Living (NCIL), representing thousands of people with disabilities from Centers for Independent Living (CILs) and Statewide Independent Living Councils (SILCs) in every state and territory of the U.S. (<http://www.ncil.org/>)
- The ADA National network, which provides information, guidance, and training on the Americans with Disabilities Act (ADA) through its ten regional centers. Services are tailored to meet the needs of business, government and individuals at local, regional and national levels. (<https://adata.org/>)

Discussions will be scheduled during the development of the self-evaluation methodology, with each Component having an opportunity to meet with stakeholders in person or via conference-call. Although Components have numerous resources – such as this reference Guide – to assist them in developing sound methodologies for the Self-Evaluation, the direct contributions from stakeholders will serve to strengthen these methodologies by incorporating a person-centered viewpoint. It is one thing to read about accessibility and how best to achieve it; it is entirely another to hear from a community of experts whose lives are impacted each and every day by the provision (or denial) of adequate and meaningful access. To further illustrate the difference that can be made by soliciting stakeholder input, consider the improvements to accessibility that have been made using stakeholder input as cited in the following examples:

- FEMA conducts numerous exercises every year, including a National Level Exercise that is held every two years. In the past, individuals with disabilities were not included in these exercises, as there was an assumption that doing so would simply prove too difficult. In February 2010, FEMA established the Office of Disability Integration and Coordination, with the Administrator placing great emphasis on the need to include the Whole Community – including individuals with disabilities – in all facets of emergency activities, including exercises.
- TSA has made numerous improvements to its screening process for people with disabilities and medical conditions. Current policies and procedures focus on ensuring that all passengers, regardless of their personal situations and needs, are treated equally and with the dignity, respect, and courtesy they deserve. Although every person and item must be screened before entering each secure boarding area, all disability-related equipment, aids, and devices are allowed through security checkpoints once cleared through screening. Also, TSA has established the “TSA Cares” help line and the

Passenger Support Specialist program to assist travelers with disabilities and medical conditions.

4.5.3 Developing Partnerships in Conducting Field Level Evaluations

Conducting field level evaluations is the point at which the stakeholder engagement process becomes localized. Until this point, information exchange with stakeholders will have resulted in a honing of the Methodology used to incorporate unique considerations to promote Section 504 compliance within specific mission areas. During the field level evaluations, there is an opportunity for Components to connect directly with stakeholders who have the specific expertise needed to address programs and activities through direct observation of and participation in the self-evaluation process. Some ways in which partnerships at the field level can benefit the self-assessment process are:

- Staff from a state's Protection and Advocacy Center may volunteer their assistance in locating local resources for the provision of qualified interpreters for individuals who are deaf or hard of hearing.
- Staff from a local Center for Independent Living (CIL) may volunteer their expertise to assist individuals with disabilities who have been displaced by a disaster in finding accessible housing and other needed support services.
- Staff from an ADA regional center may volunteer their assistance in the evaluation of the physical accessibility of a program site.

4.5.4 Considerations Related to Law Enforcement Settings

Stakeholder engagement as part of the evaluation of law enforcement settings presents unique considerations. Components that operate within the law enforcement mission space have an inherent interest in safeguarding many of the physical security enhancements and countermeasures as well as suspicious surveillance detection initiatives that may be employed when securing a facility or an event.

For example, the Federal Protective Service (FPS), part of NPPD, is the law enforcement agency charged with protecting and delivering integrated law enforcement and security services to facilities owned or leased by the federal government. FPS also provides a uniformed police response to National Security Special Events and national disasters. Although the specific methods employed in carrying out their protective mission cannot be shared with members of the public (stakeholders), there are other ways that stakeholder input can serve to strengthen Section 504 compliance for those aligned with the law enforcement mission area. Consider the following:

- Invite individuals with disabilities to go through the screening process employed when visiting a facility and solicit feedback regarding physical accessibility, ease of receiving

and following instructions, and quality of the interaction between security personnel and visitor.

- Collaborate with stakeholders to design a “table top discussion” that would provide participants with a virtual environment so that all aspects of these activities/settings can be discussed with regard to accessibility.
- Invite stakeholder participation and input regarding individuals with disabilities who may display unusual behavior (e.g., autism, Tourette syndrome) and solicit input on recognizing and appropriately responding to this behavior to respect the dignity and civil rights of these individuals; this information can then be integrated into staff training.

Part 5: The Component Plan

5.1 Overview of the Component Plan

5.2 Developing the Draft Component Plan

5.3 Submitting the Draft Component Plan for Approval

5.4 Carrying Out the Approved Component Plan

5.5 Disseminating the Approved Component Plan

5.6 Preparing and Submitting the Implementation Report

5.7 Preparing and Submitting the Biennial Update Report

[Under Development]

Components will develop the Component Plan following the completion of the Self-Evaluation to document the steps that will be undertaken to address any barriers or gaps identified. The Plan is required by DHS Directive 065-01 and is described in the implementing Instruction. CRCL will provide additional guidance on developing and submitting the Plan within Part 5 when the Reference Guide is reissued well in advance of the beginning of the Plan writing stage.

The following are the topics which are projected to be covered in Part 5 of the Guide:

- 5.1 Overview of the Component Plan
- 5.2 Developing the Draft Component Plan
- 5.3 Submitting the Draft Component Plan for Approval
- 5.4 Carrying Out the Approved Component Plan
- 5.5 Disseminating the Approved Component Plan
- 5.6 Preparing and Submitting the Implementation Report
- 5.7 Preparing and Submitting the Biennial Update Report

As an interim measure, CRCL is including below the description of the Component Plan and the process for its development as found in the Instruction. See Appendix C for the elements of the Component Plan as laid out in the Instruction.

Description: Each Component develops, and submits to CRCL for review and approval, a Component Plan that:

- a. Addresses any barriers identified in the Self-Evaluation; and
- b. 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 in DHS-conducted programs and activities.

Procedures: The Component Plan is prepared and carried out as follows:

- a. CRCL provides Components with a Guidance Manual to guide the preparation of the Component Plan.
- b. Components utilize the results of the Self-Evaluation and the Guidance Manual to prepare and submit to CRCL a draft of the Component Plan within 15 months of the start of the project.
- c. CRCL reviews the draft Component Plan and provides initial comments to Components within 17 months of the start of the project.
- d. Components address CRCL comments and submit the completed Component Plan to CRCL for approval within 18 months of the start of the project.
- e. Components carry out the actions contained in the Component Plan during the six months following approval of the Component Plan by CRCL.
- f. Components disseminate to interested persons, including the individuals with disabilities or organizations representing individuals with disabilities involved in the Self-Evaluation, the completed Component Plan approved by CRCL.
- g. CRCL provides technical assistance to Components during the implementation of the Component Plan.
- h. Components submit to CRCL an Implementation Report detailing achievement of the actions contained in the Component Plan at the end of the six-month implementation period.
- i. Components provide CRCL a Biennial Update Report detailing the actions taken to accomplish the Component Plan and other actions taken to strengthen compliance with Section 504.
- j. CRCL periodically solicits feedback from Components on how to strengthen its role in serving as a clearinghouse for best practices on providing access to individuals with disabilities in DHS programs and activities.

Part 6: Appendices

Appendix A: Component Programs Recommended for Inclusion in the Self-Evaluation

In this Appendix, CRCL offers a listing of programs and activities that are recommended for inclusion in the Component Self-Evaluation, as well as the associated Component offices that should be involved during the process. CRCL intends these listings to be a starting point for Components' consideration, based on an understanding of how each Component interacts with members of the public. Readers should consult Section 4.3 of this Reference Guide, Developing the Self-Evaluation Methodology, for additional assistance in deciding upon the programs and activities to be included in the Self-Evaluation.

U.S. CUSTOMS AND BORDER PROTECTION (CBP)

- **Programs and Activities recommended for evaluation:**
 - Inspecting international travelers at ports of entry
 - Inspecting individuals at immigration checkpoints
 - Interdiction and detention activities
 - Model Ports Program
 - Tracking requests for assistance and accommodations
 - Global Entry - CBP program to expedite pre-approved, low-risk air travelers through use of automated kiosks at the 20 largest U.S. international airports
 - Facilitating feedback sessions with non-governmental organizations (NGOs).
 - Responding to Freedom of Information Act (FOIA) and Privacy Act (PA) requests from the public, Congress, and other government agencies

- **Offices recommended for involvement in Self-Evaluation:**
 - United States Border Patrol (USBP) Privacy and Diversity Office (PDO)
 - Office of Public Affairs (OPA)
 - Office of Field Operations (OFO)
 - Non-Government Office (NGO) Liaison
 - Office of Policy and Planning
 - CBP State, Local and Tribal Liaison
 - Office of Trade Relations
 - Office of Air and Marine (OAM)
 - Office of Chief Counsel (OCC)
 -

CITIZENSHIP AND IMMIGRATION SERVICES OMBUDSMAN (CISOMB)

- **Programs and Activities recommended for evaluation:**
 - The Blue Campaign
 - Combatting human trafficking by working in collaboration with law enforcement, government, non-governmental and private organizations

- Providing information on training and outreach, how traffickers operate, and victim assistance to help keep the public informed.
 - Ombudsman Case Assistance
 - Public Teleconferences
 - Sharing information on specific topics and hearing comments and suggestions regarding interactions with the USCIS
 - Providing information about relevant immigration issues to over 68,000 stakeholders
 - Responding to FOIA and Privacy Act (PA) requests from the public, Congress, and other government agencies
 - Annual conferences
 - Webinars
 - Outreach materials such as brochures and posters
 - National Public Engagement Sessions
- **Offices recommended for involvement in Self-Evaluation:**
 - Chief of Special Programs
 - Director of Operations
 - Chief of Case Work
 - Public Affairs

OFFICE FOR CIVIL RIGHTS AND CIVIL LIBERTIES

- **Programs and Activities recommended for evaluation:**
 - Carrying out complaint review and investigation activities, including conducting interviews with complainants and witnesses, and communicating with complainants about the status and outcome of their complaints
 - Communicating with the public through stakeholder meetings and engagement activities
 - Communicating with the public through the telephonic information line and through email
 - Responding to FOIA and Privacy Act (PA) requests from the public, Congress, and other government agencies
 - Distributing written materials to stakeholders through the website, newsletter, and Facebook
 - Publishing leadership blogs
- **Offices recommended for involvement in Self-Evaluation:**
 - Programs and Compliance Division
 - Front Office Communications Team

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)

- **Programs and Activities recommended for evaluation:**
 - Working directly with local, state, and tribal governments in shared responsibility for protecting individuals from disasters and helping them to recover when a disaster strikes (Office of Response and Recovery)

- Providing technical assistance in identifying and meeting physical, programmatic, and effective communication accessibility (Office of Disability Integration and Coordination (ODIC) and Regional Disability Integration Specialists (RDIS))
- Carrying out public and internal communications; coordinating routine and special communications; ensuring accurate, useful, timely, synchronized, targeted communication; and providing continuous messaging to meet the needs of the situation. (Office of External Affairs (OEA))
- Advising FEMA program and support offices on decision making, development, and maintenance of policies and programs to ensure that activities are responsive to stakeholder, media, congressional and other audiences (OEA)
- Providing information to the public that helps them prepare for, prevent, respond to, and recover from disasters by establishing and maintaining effective, ongoing relationships with the media to promote the Agency's programs, goals and core values; developing communication strategies that support the Agency's mission; providing disaster survivors with timely, accurate, and accessible information; and managing communications to demonstrate an effective federal response to disasters
- Fostering a whole community approach to planning efforts, including the recognition and integration of specialized communications tactics that consider needs related to language barriers, cultural diversity, and disability
- Providing qualified interpreters at Disaster Recovery Centers and other sites at which information regarding preparedness, response, and recovery is provided (OEA)
- Community Relations Representatives Disaster Survivor Assistance Teams
- Addressing civil rights compliance matters at disaster sites (Office of Equal Rights Equal Rights Advisors (ERADs))
- Responding to FOIA and Privacy Act (PA) requests from the public, Congress, and other government agencies
- Issuing publications for the general public, application forms for the National Fire Academy, field delivered courses
- Issuing materials and correspondence for the National Flood Insurance Program, Safe room Booklet
- Interacting with the public via the United States Fire Administration (USFA) website, toll-free number, and website; Federal Agency Plain Language Working Group meetings, seminars, etc. (The Prevention and Information (P&I) Branch)
- Issuing multiple publications from the Federal Insurance and Mitigation Administration (FIMA)
- Disaster Survivor Assistance (DSA) Teams with mobile environment
- Issuing grants to the public Grants Program Directorate (GPD)
- Gathering public feedback through use of Community Questionnaires
- Neighborhood Task Force Initiative
- Public Service Announcements (PSAs), Nation Flood Insurance Program (NFIP) FAQs, IA Information
- Ready.gov
- Safe Kids Worldwide
- “Help After a Disaster” guide

- Fliers, brochures, posted at Disaster Recovery Centers
 - Notice of availability of qualified interpreters at Disaster Recovery Centers and Joint Field Offices
 - Stakeholder Engagement sessions
 - Providing direct communication and outreach to state, local, tribal, and territorial (SLTT) officials, including governors and state officials, state legislators, tribal governments, small states and rural constituencies, territorial governments, county/parish officials, mayors and city managers, and city councils (Intergovernmental Affairs (IGA))
 - Building relationships with key constituency groups that have been traditionally underserved by the federal government (IGA)
 - Communicating, cultivating and advocating for collaboration between the U.S. private sector and FEMA, to support FEMA's capabilities and to enhance national preparedness, protection, response, recovery, and mitigation of all hazards
- **Offices recommended for involvement in Self-Evaluation:**
 - Office of Equal Rights (OER)
 - Office of External Affairs Disaster Operations Division (OEA)
 - Office of Response and Recovery (ORR)
 - Individual Assistance (IA)
 - Public Assistance (PA)
 - FEMA National Watch Center (NWC) / National Response Coordination Center (NRCC)
 - National processing Services Centers (NPSC)
 - United States Fire Academy Prevention and Information (USFA/P&I)
 - National Flood Insurance Program (NFIP)
 - Grant Programs Directorate (GPD)
 - Office of Disability Integration and Coordination
 - Office of the Chief Component Human Capital Officer (OCCHCO)
 - Office of the Chief Counselor (OCC)

FEDERAL LAW ENFORCEMENT TRAINING CENTER (FLETC)

- **Programs and Activities recommended for evaluation:**
 - Working in collaboration with FLETC's Partner Organizations (POs) and other stakeholders to develop and deliver quality, consistent and credible basic and advanced multi-disciplinary training responsive to the needs of the federal, state, local, tribal, and international agencies served
 - Hosting law enforcement and homeland security related symposia, conferences, graduations, tours, and other events at which members of the public may be in attendance
 - Responding to FOIA and Privacy Act requests from the public, Congress, and other government agencies
- **Offices recommended for involvement in Self-Evaluation:**
 - Centralized Training Management Directorate
 - Training Research and Innovation Directorate

- Glynco Training Directorate
- Regional and International Training Directorate
- Mission and Readiness Support Directorate
- Chief Information Officer Directorate

IMMIGRATION AND CUSTOMS ENFORCEMENT (ICE)

- **Programs and Activities recommended for evaluation:**
 - Custody management/detention at Service Processing Centers (SPCs), Contract Detention Facilities (CDFs), and Intergovernmental Service Agreement (IGSA), facilities and under-72 hour facilities
 - Coordination of U.S. departures
 - Investigation, apprehension, and enforcement activities carried out by various ICE programs, including but not limited to ERO, Homeland Security Investigations (HSI), and Office of Professional Responsibility (OPR)
 - Overseeing medical care and public health services to detainees in ICE custody both at ICE facilities and at non-ICE Health Service Corps (IHSC) staffed detention facilities
 - Victim Assistance Program
 - Partnering with stakeholders, including state, local and tribal governments, law enforcement agencies (LEAs) and associations, and non-governmental organizations (NGO)
 - Developing online, print and multi-media products
 - ICE ACCESS (Agreements of Cooperation in Communities to Enhance Safety and Security), an umbrella partnership program that promotes public safety, national security and border integrity
 - ICE Hotline on DHS Form I-247 (ERO)
 - Detention Reporting and Information Line (DRIL) (ERO)
 - Online Detainee Locator System (ODLS)
 - Criminal Alien Program
 - Detention Management Unit, ODLS, Rapid REPAT, Repatriation, and Juvenile and Family Residential Management Unit
 - OPR investigations and reviews

- **Offices recommended for involvement in Self-Evaluation:**
 - ICE Field Offices
 - Office of Detention, Policy, and Planning
 - Office of Diversity and Civil Rights (ODCR)
 - Enforcement and Removal Operations (ERO)
 - ICE Health Service Corps (IHSC)
 - Homeland Security Investigations (HSI) (to cover the following divisions: Domestic Operations, Intelligence, International Affairs, and the National Security Investigations Division)
 - Office of Public Affairs (OPA)
 - Office of State, Local and Tribal Coordination (OSLTC)
 - Office of Congressional Affairs
 - Office of Professional Responsibility (OPR)

MANAGEMENT (MGMT)

- **Programs and Activities recommended for evaluation:**
 - Providing expertise in physical security
 - Building, improving, and leveraging relationships with the academic community
 - Attracting talented students and recent graduates to careers at DHS
 - Minimizing security compromises from visitors and guest workers
 - Leading the Information Sharing Environment (ISE) Suspicious Activities Reporting (SAR) initiative
 - Providing strategic direction, governance, technical support, and training to ensure DHS employees and customers with disabilities have equal access to information and data
 - Removing barriers to information access and employment of qualified individuals with disabilities in accord with Section 508 requirements
 - Facilitating successful outcomes for everyone involved in the DHS financial audit process, including those activities related to auditor access to records and employees, resolution and closure of reported findings and recommendations, etc.
 - Building and maintaining a talented and diverse workforce to protect and safeguard the homeland effectively within our multicultural society
 - Recruiting qualified individuals at all levels within the Department whose diverse backgrounds, experience, education, and skills will advance DHS' mission
 - Undertaking legally appropriate outreach efforts in the areas of recruitment, collaboration with professional associations, and partnerships with colleges and universities

- **Offices recommended for involvement in Self-Evaluation:**
 - Office of the Chief Security Officer
 - Office of the Chief Information Officer
 - Office of Accessible Systems & Technology (OAST)
 - GAO-OIG Liaison Office
 - Office of the Chief Human Capital Officer (OCHCO)

NATIONAL PROTECTION AND PROGRAMS DIRECTORATE (NPPD)

- **Programs and Activities recommended for evaluation:**
 - Protective Investigations Program
 - Explosive Detection Dog Teams
 - Hazardous Response Program
 - Screening of persons entering federally owned or leased facilities
 - Conducting routine explosive searches of office areas, vehicles, materials, packages and persons housed in federally owned or leased facilities
 - Providing evacuation support during CBRNE incidents
 - Publishing the Family Emergency Preparedness Guide
 - Providing public information that promotes the resilience of physical and cyber infrastructure
 - Responding to FOIA and Privacy Act (PA) requests from the public, Congress, and other government agencies

- Federal Protective Service (FPS) field offices and Megacenters
- **Offices recommended for involvement in Self-Evaluation:**
 - Federal Protective Service (FPS)
 - Office of the Under Secretary for the National Protection and Programs Directorate
 - Office of Cybersecurity and Communications

OFFICE OF HEALTH AFFAIRS (OHA)

- **Programs and Activities recommended for evaluation:**
 - Providing support to state and local public health and homeland security partners to build and improve their capability to prepare and respond to health incidents thereby ensuring appropriate state and local equities are integrated into the public health preparedness capability
 - Ensuring analytic products are clear, concise, accurate and timely for rapid communication to leadership, operations personnel and scientific experts in response to national and international biological events that may impact the safety of U.S. persons, agricultural assets and infrastructure
 - Working in partnership with federal, state, local, territorial, tribal, and private sector (FSLTTP) partners to provide more rapid identification of and response to biological threats
 - Disseminating alerts and other information to (federal) Member Agencies and, in coordination with (and where possible through) Member Agencies, to agencies of state, local, and tribal governments, as appropriate, to enhance the ability of such agencies to respond to a biological event of national concern
 - Developing and sharing bio surveillance products with federal, state, and local government officials to provide shared situational awareness of current biological events, trends, and their potential impacts on national homeland security
 - Providing federal, state, and local stakeholder communities with the knowledge and tools to build and sustain a viable framework for preparedness and response to high consequence chemical events
 - Creating a shared vision, strategy and desired end state of prepared local communities through collaboration with stakeholders; providing overarching health security-focused contingency planning and exercise expertise to the federal interagency, the Department, and State and local entities
 - Responding to FOIA and Privacy Act (PA) requests from the public, Congress, and other government agencies

- **Offices recommended for involvement in Self-Evaluation:**
 - Health Threats Resilience Division

OFFICE OF PARTNERSHIP AND ENGAGEMENT (OPE)

- **Programs and Activities recommended for evaluation:**
 - Promoting academic research that addresses pressing homeland security needs
 - Enhancing campus resilience and preparedness
 - Improving the international student immigration process

- Developing and implementing a tabletop exercise for institutions of higher education in collaboration with FEMA
- Facilitating cybersecurity awareness engagements with colleges and universities in coordination with the Private Sector Office
- Coordinating on the various international student initiatives, operational changes and stakeholder outreach across DHS

OFFICE OF PUBLIC AFFAIRS (OPA)

- **Programs and Activities recommended for evaluation:**
 - Using a variety of processes to ensure that the public receives accurate and timely incident information that has been coordinated with other affected partners around the homeland security enterprise
 - Convening incident coordination teleconferences with various groups of stakeholders
 - Releasing tailored communications products to its homeland security partners or the American public, as needed
 - Issuing Press Releases that provide DHS messages to national media outlets for dissemination to the American public
 - Communicating information about terrorist threats by providing timely, detailed information to the public, government agencies, first responders, airports and other transportation hubs, and the private sector (National Terrorism Advisory System (NTAS))
 - Responding to FOIA and Privacy Act (PA) requests from the public, Congress, and other government agencies

- **Offices recommended for involvement in Self-Evaluation:**
 - National Joint Information Center (NJIC)
 - National Terrorism Advisory System (NTAS) Alerts

OFFICE OF OPERATIONS COORDINATION (OPS)

- **Programs and Activities recommended for evaluation:**
 - Providing notifications of, and reports on, significant homeland security events and incidents for DHS leadership, federal operations centers, the White House, and other homeland security partners
 - Monitoring and reporting on operationally relevant homeland security information found in open source news media and social media
 - Providing government and private sector decision makers with enhanced situational awareness, facilitating timely decision support prior to or in the aftermath of a natural disaster, act of terrorism or other man-made disaster
 - Providing users a broad set of capabilities based on best-in-class technologies that deliver a rich, end user experience through a web-accessible interface
 - Sharing threat-related information among the federal government and state, local, tribal, and territorial, and private sector partners
 - Coordinating with internal and external stakeholders during incidents
 - Providing strategic-level information sharing, situational awareness, and decision support products to DHS senior leadership, the White House National Security

Council staff, all homeland security partners, and facilitates executive communications

- Coordinating personnel and resource deployments to support Stafford Act emergency and disaster operations and prioritizing interagency allocation of resources
 - Providing pertinent threat information to partners across the homeland security enterprise, including Joint Intelligence Bulletins
 - Conducting outreach and fostering partnerships with Component Heads, the Offices of Public Affairs, General Counsel, and Legislative Affairs, the Department of Defense, federal, state, and local government agencies, and other homeland security partners
 - Responding to FOIA and Privacy Act (PA) requests from the public, Congress, and other government agencies
- **Offices recommended for involvement in Self-Evaluation:**
 - National Operations Center (NOC)
 - DHS Common Operating Picture (COP)
 - State and Major Urban Area Fusion Centers
 - NOC Watch
 - Front Office
 - Operations Coordination Division (oversees NOC)

PRIVACY OFFICE (PRIV)

- **Programs and Activities recommended for evaluation:**
 - Operating a Department-wide Privacy Incident Response Program to ensure that incidents involving PII are properly reported, investigated and mitigated, as appropriate
 - Responding to complaints of privacy violations and providing redress, as appropriate
 - Providing training, education and outreach to build a culture of privacy across the Department and transparency to the public
 - Conducting international engagement and outreach

TRANSPORTATION SECURITY ADMINISTRATION (TSA)

- **Programs and Activities recommended for evaluation:**
 - Screening passengers at airports nationwide
 - Providing information and customer service to travelers through electronic media, publications and presentations
 - Developing and managing aviation security policies and programs based on evolving threats through collaboration with airline and airport industry stakeholders and their representatives
 - Conducting educational outreach regarding the effects of TSA's security programs on an individual's access to various transportation systems and available redress alternatives
 - Creating/modifying universal checkpoint signage/info graphics to ensure accessibility

- Gathering feedback from the traveling public
 - Developing, managing, and strengthening partnerships and outreach with a coalition of leaders from the disability and multicultural communities.
 - Providing outreach and education activities for the public
 - Providing a single portal for travelers to seek redress for adverse screening experiences
 - Processing complaints from the public on civil rights and civil liberties issues, including complaints alleging discriminatory conduct on the basis of disability in TSA's screening procedures
 - Responding to FOIA and Privacy Act (PA) requests from the public, Congress, and other government agencies
 - Providing timely responses to the traveling public via telephone and email to answer questions, provide guidance, and facilitate problem resolution to the traveling public
 - Engaging Privacy Advocacy Groups on privacy matters related to transportation and/or national security
 - Resolving issues with external stakeholders in both government and private industry on sensitive security-related issues
 - Managing and coordinating controlled correspondence to a wide range of external stakeholders, from the general public to senior government and industry officials
 - Building relationships with think tanks, academia, private sector and non-governmental agencies for program support and third-party advocacy
 - Transportation Worker Identification Credentialing (TWIC)
 - Hazardous Materials Endorsement (HME)
 - Aviation Workers Program
 - Alien Flight Student Program
 - Interactive Voice Response
- **Offices recommended for involvement in Self-Evaluation:**
 - Office of Security Operations (OSO)
 - Office of Strategic Communications and Public Affairs (SCPA)
 - Office for Civil Rights and Liberties, Ombudsman, and Traveler Engagement (CRL/OTE)
 - Office of Security Policy and Industry Engagement
 - Office of Law Enforcement - Federal Air Marshal Service
 - TSA Contact Center
 - Office of Training and Workforce Engagement

U.S. COAST GUARD (USCG)

- **Programs and Activities recommended for evaluation:**
 - Interdiction
 - Search and rescue operations
 - Assisting in the enforcement of all applicable laws on, under and over the high seas and waters subject to the jurisdiction of the United States
 - Conducting public outreach programs – Sea Partner’s Campaign, America’s Waterway Watch & Citizen’s Action Network

- Responding to visits, phone calls, letters, radio communications, and emails from the general public
- Responding to FOIA and Privacy Act (PA) requests from the public, Congress, and other government agencies
- Conducting outreach activities through teleconferences, website postings
- Publishing written brochures (e.g., Area Contingency Plans, Clean Water Act stickers, Maritime Pollution (MARPOL) restrictions stickers)
- Coast Guard Partnership in Education Program
- **Offices recommended for involvement in Self-Evaluation:**
 - Governmental and Public Affairs
 - Intelligence and Criminal Investigations
 - Deputy Commandant for Operations
 - Office of Law Enforcement

UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICE (USCIS)

- **Programs and Activities recommended for evaluation:**
 - Immigration benefits processing
 - Field Operations interviews
 - National Customer Service Center (NCSC) telephone line
 - InfoPass System
 - Unauthorized Practice of Immigration law (UPIL) initiative
 - Reading room
 - Citizenship Public Education and Awareness Initiative
 - Resettlement Support Centers
 - Meeting with nongovernmental organization representatives
 - Conducting quarterly focus groups
 - Responding to FOIA and Privacy Act (PA) requests from the public, Congress, and other government agencies
 - Conducting credible fear, reasonable fear, and safe third country screening interviews
 - Disseminating materials, such as press releases and fact sheets
- **Offices recommended for involvement in Self-Evaluation:**
 - Service Center Operations
 - Field Operations Directorate
 - Customer Service and Public Engagement Directorate
 - Verification Division
 - Office of Citizenship
 - Office of Communication
 - Office of Human Capital and Training (HCT)

UNITED STATES SECRET SERVICE (USSS)

- **Programs and Activities recommended for evaluation:**
 - Protection
 - Investigations

- Providing security for White House complex and Vice President's Residence
- Foreign Missions
- Protecting sites being visited by Secret Service protectees
- Providing support for designated national special security events
- Ombudsman Program
- Recruitment Program
- Ensuring communication and coordination between the Secret Service and outside entities in matters relating to USSS protective and investigative missions
- Responding to media inquiries, educating the general public about the mission of the Secret Service and coordinating a number of internal communication and recognition programs
- Responding to FOIA and Privacy Act (PA) requests from the public, Congress, and other government agencies
- Promoting public awareness of Secret Service investigative programs through increased cooperation with the media
- Convening external stakeholder meetings (e.g., National Center for Missing and Exploited Children and Boys and Girls Clubs of America)
- **Offices recommended for involvement in Self-Evaluation:**
 - Office of Protective Operations (OPO)
 - Office of Investigations (INV)
 - Office of Human Resources & Training (HRT)
 - Office of Government and Public Affairs (GPA)
 - Office of the Chief Counsel (LEG)
 - Uniformed Division (UND)
 - Office of Professional Responsibility - Inspection Division
 - Investigative Support Division (ISD)

Appendix B: Component Self-Evaluation Tool

DHS Directive 065-01 Disability Access in DHS Conducted Programs and Activities

Component Self-Evaluation Tool

Component Information

Name of Component:

Name of Program/Activity:

Check the Appropriate Location:

Headquarters

Location Name:

Field Office/Facility

Location Name:

Individual Completing Tool
Name:
Title:
Phone Number:
E-mail Address:
Date Completed:

Submission Instructions:

Please e-mail this completed Tool to the following address: [\[e-mail address\]](#)

Introduction

This instrument was developed as an Appendix to the Reference Guide for DHS Management Directive 065-01. The questions contained in this Tool are directly from the Component-cleared and finalized Instruction that implements the Directive. The Tool serves as a resource for all Components. For Headquarters Components, program managers will complete the Tool in its entirety for each program or activity (i.e. each mission-related function) that interacts with individuals outside of federal government. For Operational Components, headquarters program managers will complete Part A of the Tool, while participating field office/facility leads will work with their program managers to complete the entirety of the Tool for each program or activity being conducted at their venues. Individuals completing the tool should not include any Personally Identifiable Information (PII) in responses to any of the inquiries in the tool. Records created in relation to this evaluation tool must be retained in accordance with the applicable National Archives and Records Administration (NARA) retention schedule.

CRCL has provided examples wherever appropriate within the self-evaluation questions to illustrate fundamental nondiscrimination principles associated with Section 504. The examples have been developed to demonstrate applicability to Customer Service Activities (such as those of FEMA, USCIS, FLETC, and several Headquarter Components), Security Activities (such as those of TSA, NPPD/FPS, USSS, ICE, CBP, and USCG), and Custody Activities (such as those of ICE and CBP).

Customer Service Activities refer to activities or programs that involve direct interaction with the public with regard to those who are seeking some type of DHS assistance. For example, FEMA services at Disaster Recovery Centers, the CIS Ombudsman case assistance services site, and assistance the USCIS National Customer Service Center (NCSC) provides to customers through its telephone line are among programs/activities that fall into this category.

Security Activities refer to activities or programs having as their main mission providing and supporting the safety and security of our Nation, including the safeguarding of federal buildings, aviation, infrastructure, and the U.S. populace at large. For example, security activities of TSA's Office of Security Operations (OSO), CBP inspection activities at the border, NPPD's use of Explosive Detection Dog Teams, and USCG's boarding and inspecting of vessels are among the programs/activities that fall into this category.

Custody Activities refer to activities or programs that involve the detention of persons where there is reason to believe the individual is removable by DHS, including for example, detention in response to illegal border crossing or unlawful presence in the U.S. as well as custody associated with other criminal apprehensions. For example, ICE Enforcement and Removal Operations (ERO) detention operations, CBP hold room activities, and TSA's Office of Law Enforcement - Air Marshall Service activities fall into this category.

With respect to use of the terms "Likely Compliant" and "Possibly Noncompliant," please note that they are intended to highlight elements that can support a program's efforts to achieve compliance as well as note elements or lack of elements that could be problematic for compliance. It is important to keep in mind that compliance and non-compliance in any particular situation often can only be ascertained by reviewing all the facts in a given situation and any example in the below "possible noncompliance" section should not be interpreted as a violation of Section 504 per se. For example, a program or activity that is considered accessible for one person with one kind of disability may not be accessible for another.

Part A. Accessibility of Program Policies and Practices

A-01. Is there an established policy ensuring equal treatment for individuals with disabilities within the program?

Yes (Please attach documentation)

No

A-02. Are there any program policies, procedures, or eligibility criteria that explicitly exclude, or have the effect of excluding, individuals with disabilities?

Type of Interaction	Example: Likely Compliant with Section 504	Example: Possibly Noncompliant with Section 504
Customer Service Activity	Applicants for services are allowed to choose among several forms of government-issued identification to establish eligibility.	A valid driver's license is the only form of government-issued identification that is accepted to establish eligibility for services.
Security Activity	An expedited screening program is operated with provisions to accommodate all travelers.	An expedited screening program is limited to individuals who are ambulatory to ensure that screening proceeds efficiently.
Custody Activity	<p>Detention facility has policy and processes to identify and treat detainees with mental disabilities.</p> <p>Detention facility employs or has access to the required number or ratio of fully qualified, medical and mental health providers to diagnose and treat individuals with mental health conditions including schizophrenia, bi-polar disorder and "post-traumatic stress disorder."</p> <p>Contracted facility provides access to legal materials for detainees who are blind by providing accessible equipment and devices.</p>	<p>Detention facility lacks policy and processes for adequate identification and treatment of detainees with mental illness and therefore refers these detainees to segregated settings/cells.</p> <p>Detention facility relies on improperly licensed or unqualified staff to identify and recommend treatment for individuals who exhibit signs or symptoms of mental illness.</p> <p>Law library materials are only accessible to detainees who are able to operate a computer program without any specialized assistance.</p>

Yes (Please attach policy/procedure/criteria)

No

A-03. Are there any program policies, procedures, or eligibility criteria that result in individuals with disabilities receiving lesser or unequal treatment compared to persons without disabilities?

Type of Interaction	Example: Likely Compliant with Section 504	Example: Possibly Noncompliant with Section 504
Customer Service Activity	The program maintains a policy requiring that all public documents be issued in their entirety in a Section 508 compliant format.	The program maintains a policy of issuing short summaries of public documents as the “accessible format” of the documents.
Security Activity	The program has established a policy and supporting procedures for providing reasonable accommodations and modifications to personnel with disabilities from state, local, and private sector agencies to ensure their participation in a security exercise.	The program does not plan for personnel with disabilities to participate in a security exercise because accommodating their needs would be disruptive to the exercise.
Custody Activity	The voluntary work program provides reasonable accommodations and modifications for detainees with disabilities who wish to participate.	All job opportunities in the detainee voluntary work program require full mobility without assistance.

___ Yes (Please attach policy/procedure/criteria)

___ No

A-04. How are the program’s interactions with individuals with disabilities conducted in the most integrated setting appropriate?

Type of Interaction	Example: Likely Compliant with Section 504	Example: Possibly Noncompliant with Section 504
Customer Service Activity	Program policies guide the selection of accessible sites where individuals with disabilities have an equal opportunity to seek and obtain services available to other members of the general public.	A site for a new service center is selected without thorough consideration of physical, programmatic, and communication accessibility for individuals with disabilities.
Security Activity	Training of personnel and accommodations/modifications procedures have been put in place so that individuals with disabilities proceed through the same security check point as the general population.	Individuals who need assistance of any kind are required to proceed through a separate check point from the general population.
Custody Activity	Procedures for providing accommodations and modifications have been put in place to enable detainees with disabilities to be integrated into the program.	The program makes automatic use of segregated or medical settings to house detainees with a disability due to inaccessible facilities and lack of staffing resources.

Please describe:

A-05. If individuals with disabilities are offered a separate program setting, are they notified that they retain the option to participate within the integrated setting of the general program?

Not applicable

Yes

No

If No, please explain:

A-06. Describe any instances in which individuals with disabilities are asked to meet any other requirements not imposed on other program participants.

Type of Interaction	Example: Likely Compliant with Section 504	Example: Possibly Noncompliant with Section 504
Customer Service Activity	Program has in place a process for ensuring that qualified interpreters are available for deaf individuals who use sign language.	Deaf individuals who use sign language are required to provide their own qualified interpreter.
Security Activity	Facility has in place robust training for front line personnel that enables them to recognize individuals who may be dependent on medical devices and uses appropriate screening techniques in accordance with that training.	Facility requires that individuals who are dependent upon medical devices go directly to secondary screening.
Custody Activity	Facility assesses the needs of detainees with disabilities and provides accommodations and/or devices needed for detainee to maintain the most independent level of functioning.	Facility requires that detainees with disabilities procure their own accommodations or devices needed to maintain the most independent level of functioning, or categorically limits access to certain accommodations or devices.

Please describe:

Not applicable

A-07. Describe the procedures established for the presence of service animals accompanying individuals with disabilities in program settings.

Please describe:

A-08. How are contractors informed about their nondiscrimination obligations under Section 504 and how do contractors provide assurances to this effect?

Please describe (and attach documentation):

A-09. How does the program ensure that its contractors' interactions with individuals with disabilities do not result in discrimination?

Type of Interaction	Example: Likely Compliant with Section 504	Example: Possibly Noncompliant with Section 504
Customer Service Activity	Contracted program that provides call center services ensures that it has trained personnel on the use of telephone and video relay, as well as use of TTY, to ensure that individuals with disabilities (deaf or hard of hearing and speech disabilities) can engage in effective two-way communication to obtain services.	Contracted program that provides call center services has a TTY machine to communicate with individuals with disabilities but staff are not trained to use it.
Security Activity	Contracted program that provides security at a federal building provides robust training to its personnel on the rights of individuals with disabilities under Section 504, engages in periodic monitoring/observation of screening activities, and implements a strong supervisory presence.	Contracted program that provides security at a federal building has no training or oversight/monitoring in place with regard to interactions between its personnel and individuals with disabilities.
Custody Activity	Facility staff are well-trained in Section 504 obligations and related interactions with detainees with disabilities. There is strong oversight and monitoring in place, and resources and assistance are available to staff to ensure compliance with Section 504.	Facility staff have not been made aware of the non-discriminatory obligations under Section 504. There is no tracking, monitoring, or oversight in place to gather information on the treatment of detainees with disabilities to ensure that it is in compliance with Section 504.

Please describe:

A-10. Describe any circumstances in which a consideration related to disability would influence the choice of a procurement contractor.

Please describe:

___ Not applicable

A-11. Describe the program’s process for providing individuals with disabilities with reasonable modification of its policies, procedures, and practices.

Type of Interaction	Example: Likely Compliant with Section 504	Example: Possibly Noncompliant with Section 504
Customer Service Activity	Program has a written reasonable accommodation/modification process in place, a POC to address this process, and a Disability Access Coordinator at every district office. Program consults regularly with representatives of the disability community to assess effectiveness of these policies and practices and revise as needed.	Program has no specific process in place for providing individuals with disabilities a reasonable modification of policies, procedures, and practices.
Security Activity	The program allows individuals with disabilities who cannot stand for long periods of time to move to the front of the line at a security checkpoint.	The program requires all individuals without exception to maintain their place in line and move forward in a single file to see check point officials, in order to maintain security in the process.
Custody Activity	Facility ensures that upon intake all detainees are provided with information regarding the facility’s reasonable accommodation/modification process; this process clearly defines strategies to ensure that a detainee in need of an accommodation or modification receives items, services, or supports resulting in equal access to all programs and activities.	No information is provided to detainees at intake about the facility’s reasonable accommodation/modification process, and there is no formal process to request, review, or respond to such requests. Detainee accommodation/modification issues are discovered only when they happen to be identified during medical encounters or as part of other detainee requests or complaints.

Please describe (and attach documentation):

A-12. How are program staff and members of the public notified that individuals with disabilities have the right to request a reasonable modification to a program’s policies, procedures, and practices?

Please describe:

A-13. Within the past three years, if an accommodation or modification was denied due to a determination that it would impose a fundamental alteration or an undue burden to the program, explain the circumstances of the denial.

Please describe:

Not applicable

A-14. Do all the program’s public and internal references to and portrayals of individuals with disabilities in written and audio-visual materials respect personal dignity, including use of appropriate terminology?

Yes

No

If No, please describe the reference/portrayal that is of concern:

A-15. What actions does the program take to solicit the input of individuals with disabilities and their representatives?

Please describe:

A-16. How are individuals with disabilities notified regarding their rights under Section 504 and the procedure for filing a complaint?

Type of Interaction	Example: Likely Compliant with Section 504	Example: Possibly Noncompliant with Section 504
Customer Service Activity	The program provides information in accessible formats regarding customer/applicant rights under Section 504 and provides a point of contact for any disability-related concerns when an individual initially seeks service.	The program only provides information on rights under Section 504 and procedures for filing a complaint when a complaint is actually lodged.
Security Activity	A law enforcement program that has routine interaction with the general public has posted its 504 non-discrimination obligations and procedures for filing a complaint on its 508 compliant web site.	A law enforcement program that has routine interaction with the general public only has Section 504 obligations and procedures for filing a complaint posted in flyers at its HQ and field offices.
Custody Activity	Staff provide information to individuals upon intake at the facility regarding their rights under	Facility staff provides Section 504 information and related steps for filing a

	Section 504 and steps for filing a complaint; accessible formats are used to ensure meaningful communication. Information about filing a complaint is posted in all common use areas frequented by detainees, is available to visitors/members of the public, and is available in accessible formats.	complaint only in a format that is inaccessible to detainees with disabilities.
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Please describe:

A-17. Describe the circumstances and resolution of any complaints received within the past three years in which failure to provide equal opportunity or reasonable accommodation or modification and/or discrimination based on disability was alleged.

Please describe:

___ No such complaints were received

Part B. Effective Communication

B-01. How do the program’s personnel and procedures ensure that individuals with disabilities are treated in a nondiscriminatory manner?

Please describe overall approach:

B-02. What are the procedures for personnel to follow to effectively communicate with individuals who have vision, hearing, speech, physical, and intellectual disabilities?

Please describe (and attach procedures):

___ No procedures have been put in place

B-03. What is the program’s process for providing auxiliary aids and services (including qualified sign language interpreters) upon request to ensure effective communication with individuals with disabilities?

Type of Interaction	Example: Likely Compliant with Section 504	Example: Possibly Noncompliant with Section 504
Customer Service Activity	<p>A facility provides “Accessibility Kits” containing various devices that enable individuals with disabilities to have equal access to all services available.</p> <p>Program notifies individuals ahead of time regarding the availability of and process for requesting a qualified interpreter.</p>	<p>Individuals with disabilities are required to furnish their own auxiliary aids to access services at the service center.</p> <p>Program has no way to arrange for qualified interpreters for “walk-in” or scheduled appointments. Program asks a person who is unable to communicate to read lips or write/draw during complex and/or lengthy communications such as during an eligibility interview or medical consultation.</p>
Security Activity	<p>Facility has posted written information about receiving auxiliary aids and services and assistance at the point of screening. Braille/audio/verbal information is also available for individuals who are blind.</p>	<p>Facility has no information posted (on site or on-line) about obtaining auxiliary aids and services and anticipates that travelers with disabilities in need of these services will find a way to request them.</p>
Custody Activity	<p>Detainees are provided with information regarding how to obtain devices and qualified interpreters upon intake at the facility. The facility has a process in place to</p>	<p>Detainees must rely on peers to attempt communication with staff; there is no consistent process in place for obtaining devices or qualified interpreters in a timely manner.</p>

	obtain appropriate devices and qualified interpreters in a timely manner to ensure effective communication.	
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Please describe (and attach process/procedure):

___ No process has been put in place

B-04. In providing auxiliary aids and services, how is primary consideration given to the preference of the individual with a disability?

Type of Interaction	Example: Likely Compliant with Section 504	Example: Possibly Noncompliant with Section 504
Customer Service Activity	Facility has a consistent process in place for asking individuals a number of questions about what type of auxiliary aids and services work best for them..	Facility staff does not consult with individuals who have a disability about their needs and what auxiliary aids and services may be needed (One size fits all approach).
Security Activity	Facility has auxiliary aids and services policy and process in place that ensures effective communication through use of printed graphics and advisements for steps in the screening process, as well as the availability of qualified interpreters for complex interactions associated with screening.	Facility allows the use of a minor to interpret during secondary screening.
Custody Activity	<p>Facility staff support effective communication for a detainee with an intellectual disability by enabling the detainee to use a picture board for expressive communication.</p> <p>Facility has auxiliary aids and services policy and process in place that ensures the availability of qualified interpreters for complex interactions related to medical appointments, disciplinary proceedings, or investigative interviews, or custody-related meetings.</p>	<p>Facility staff did not follow an interactive process. They did not allow a detainee with an intellectual disability to use a picture board to communicate. They did not give primary consideration to the detainee’s request, and did not consider whether there was an equally effective alternative, when they directed the detainee to point to what was needed, thereby limiting effective communication.</p> <p>Facility relies on reading lips, written communications, or gestures during complex interactions for a detainee who has indicated that a qualified interpreter is needed for effective communication.</p>

Please describe:

___ No process has been put in place

B-05. Describe the training and instruction on the use of auxiliary aids and services provided to personnel.

Please describe:

___ No training is provided

B-06. How is on-site information regarding the program provided in an accessible manner for individuals with vision, hearing, physical, and intellectual disabilities?

Type of Interaction	Example: Likely Compliant with Section 504	Example: Possibly Noncompliant with Section 504
Customer Service Activity	Welcome videos are shown with audio description and open captioning at service centers to ensure that individuals with disabilities can learn about the types of assistance available and successfully obtain assistance.	Individuals with disabilities must rely on family or other personally obtained support (e.g. a qualified interpreter that they hire) to inform them of what type of service is available and assist them in obtaining assistance.
Security Activity	Facility provides information about the screening process via posters (which contain a toll free number, relay number, and web site address to obtain assistance), captioned videos, and audio recordings at the point where a traveler enters security screening.	Facility only has posters near the screening area that explain the screening process.
Custody Activity	Informational materials (e.g., handbook and forms) are provided in alternate formats; qualified interpreters are available to meet the needs of the detainee with a disability.	Informational materials about the program are provided only in a form that is inaccessible to detainees with disabilities.

Please describe:

B-07. How do individuals with hearing or speech disabilities access a TTY or an equally effective telecommunications system at the program location?

Type of Interaction	Example: Likely Compliant with Section 504	Example: Possibly Noncompliant with Section 504
Customer Service Activity	Program has 508 compliant web-based information regarding hotline for assistance, including availability of TTY, Video Relay	Staff are not trained in TTY or VRS use, with no set procedures in place.

	Service (VRS), and email methods of contact.	
Security Activity	Program has trained support specialists on site who assist passengers with disabilities in obtaining the service/device needed to achieve effective communication.	Program has not trained front line staff on effective forms of communicating with individuals with disabilities.
Custody Activity	Facility has well-trained intake staff able to identify potential communication-related disability and a process in place to obtain the device/service needed to achieve effective communication.	Facility's intake staff can identify communication-related disabilities but there is no policy/process in place for them to obtain assistive device(s) or service in a timely manner.

Please describe:

B-08. How has staff responsible for phone communications been trained on the use of the accessible telecommunications system?

Please describe:

No training has been provided

B-09. How are the program's interactions with the public through telephone lines made accessible for individuals with disabilities?

Please describe:

B-10. If the program maintains a hotline for urgent issues from the public, how does this telephone line allow for direct access by a TTY or other equally effective communication system?

Please describe:

The program does not maintain a hotline

B-11. How is on-site electronic and information technology (e.g., registration computers, application or information kiosks, security verification equipment) provided in an accessible manner for individuals with disabilities?

Type of Interaction	Example: Likely Compliant with Section 504	Example: Possibly Noncompliant with Section 504
Customer Service Activity	Service center facilities all have at least one computer station that is equipped with a screen reader for users who are blind or have low vision.	Facility's computers are not equipped with screen readers; applicants for assistance must rely on family/other persons to access electronic information.
Security Activity	Written information is posted and accompanied by audio instruction for use of facial recognition software at the security screening facility.	There is no audio instruction provided for use of facial recognition software at the security screening facility; availability of staff to provide verbal instruction is inconsistent.
Custody Activity	Program ensures that kiosks and other machines are placed in a position accessible to individuals with disabilities (e.g., at a height useable by someone using a wheelchair).	Kiosks and other machines are at a height that is not reachable by someone seated in a wheelchair.

Please describe:

B-12. How does the program ensure that its Internet-based information and applications are accessible for individuals with disabilities?

Please describe:

B-13. Describe the processes in place to ensure that the Component complies with the obligation to ensure access to electronic and information technology in accordance with Section 508.

Please describe:

B-14. How are members of the public informed of their right to file a complaint under Section 508 related to accessibility of electronic and information technology?

Please describe:

B-15. How are public meetings and events (both in-person and virtual) made accessible for individuals with disabilities?

Type of Interaction	Example: Likely Compliant with Section 504	Example: Possibly Noncompliant with Section 504
Customer Service Activity	A program policy requires that all televised press conferences featuring agency leadership are captioned or have a qualified interpreter visible alongside the speaker.	Press conferences are not captioned and the qualified interpreter at press conferences is not consistently in a position that is fully visible to viewers.
Security Activity	A facility provides information about an approaching public on-site demonstration of the screening process by posting signs, running a captioned video, and playing audio instructions at/near the entrance to the screening checkpoint.	A facility provides information about an approaching public on-site demonstration of the screening process by posting signs and running a non-captioned video; there are no audio instructions at/near the entrance to the screening checkpoint.
Custody Activity	Program has a policy in place that provides for the presence of a qualified interpreter during educational sessions provided to detainees by the facility Prevention of Sexual Assault Coordinator.	Program has no policy to ensure that auxiliary aids, such as qualified interpreters, are furnished during educational sessions provided to detainees by the facility Sexual Abuse and Assault Prevention Coordinator.

Please describe:

B-16. How is the existence and location of accessible services, activities, and facilities communicated to individuals with disabilities?

Please describe:

B-17. How are the program’s structural communications (including displays, signage, and elevator controls) made accessible for individuals with disabilities?

Please describe:

B-18. How are the program’s evacuation procedures and emergency communications made accessible for individuals with disabilities?

Type of Interaction	Example: Likely Compliant with Section 504	Example: Possibly Noncompliant with Section 504
Customer Service Activity	<p>The facility’s occupant emergency plan contains procedures that support egress for visitors with disabilities who are able to evacuate the building with or without assistance.</p> <p>Facility has multiple and redundant means of communicating emergency information.</p>	<p>The facility’s occupant emergency plan requires all visitors with disabilities to remain in areas of rescue assistance because it has been deemed unsafe to have individuals with disabilities use the stairs during an evacuation of the building. The facility has not considered other forms of reaching individuals who have communication related disabilities during an emergency.</p>
Security Activity	<p>Program requires that staff verbally informs visitors being screened at a National Security Event where the nearest evacuation route is. Signs are posted at the screening checkpoint that map out the nearest evacuation route.</p>	<p>Only visible evacuation route maps are posted at a security checkpoint.</p>
Custody Activity	<p>Written and verbal information regarding emergency evacuation and shelter-in-place activities is provided to detainees upon intake at the facility. Drills are carried out quarterly; plans include evacuation of detainees with disabilities.</p>	<p>Written and verbal information regarding emergency evacuation and shelter-in-place activities is not provided to detainees upon intake at the facility; the needs of detainees with disabilities are not considered ahead of time.</p>

Please describe:

B-19. Describe the circumstances and resolution of any complaints received within the past three years in which lack of effective communication with individuals with disabilities was alleged.

Please describe:

No such complaints were received

Part C. Physical Accessibility

C-01. What are the key physical features of the program’s facilities that ensure access for individuals with disabilities (including approach/entrance, service areas, housing units, restrooms, and amenities)?

Please describe the overall accessible path of travel for participants in the program:

Please describe any known structural barriers on the main path of travel (as identified by staff, employees with disabilities, or visitors with disabilities):

C-02. Describe any structural changes that have been made within the past three years to ensure access to program facilities for individuals with disabilities.

Please describe:

___ No such structural changes have been made

C-03. Describe any nonstructural strategies that have been used within the past three years to ensure overall program access for individuals with disabilities.

Type of Interaction	Example: Likely Compliant with Section 504	Example: Possibly Noncompliant with Section 504
Customer Service Activity	Program service centers formerly located in a community church with no accessible entrance were relocated to available facilities that meet ABA standards and are located near accessible public transportation routes.	Program service center is operating within an inaccessible facility and directing prospective customers with disabilities to another service center that is a great distance away.
Security Activity	An inspection station with stairs leading to its entryway is on the Historic Register. To preserve the architecture while providing accessibility for travelers with mobility disabilities and wheelchair users, the facility installs a temporary ramp, enabling them to access the station.	The inspection station has stairs but no signage or policy in place for people with mobility disabilities or wheelchair users to indicate the need for the ramp.
Custody Activity	An area in the facility used for group meetings between staff and detainees is equipped with an assisted listening system	An area in the facility used for group meetings between staff and detainees has no mechanism in place for addressing the

	to accommodate detainees who are hard of hearing.	needs of detainees who are hard of hearing.
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Please describe:

No such nonstructural strategies have been used

C-04. What policies and criteria have been established to ensure that selection of new program sites/facilities comply with applicable accessibility standards?

Please describe (and attach policies/criteria):

No such policies/criteria have been established

C-05. What policies have been established to ensure that DHS-owned and leased property and facilities provide physical access for individuals with disabilities?

Please describe (and attach policies):

No such policies have been established

C-06. Describe how facility managers consult with program managers about the purpose and function of the physical space to ensure that new construction and alterations are readily accessible to and usable by individuals with disabilities?

Please describe:

No such consultation has occurred

C-07. What assurances are required of contractors to ensure that their facilities provide physical accessibility for individuals with disabilities?

Please describe (and attach assurances):

No such assurances have been required

C-08. What procedures have been established to ensure that accessible features (including mechanical elements) are maintained?

Please describe:

No such procedures have been established

C-09. What measures have been taken to ensure that transportation activities associated with the program have been made accessible to individuals with disabilities?

Type of Interaction	Example: Likely Compliant with Section 504	Example: Possibly Noncompliant with Section 504
Customer Service Activity	Program selects sites for public meetings that are themselves accessible and are also near accessible public transportation routes.	Program does not consider proximity to accessible public transportation routes when selecting location for public meetings.
Security Activity	A newly constructed facility complex has accessible vehicles within its fleet to transport employees and visitors with disabilities to outlying areas of the campus.	A facility complex under construction has made no provision for accessible vehicles within its fleet to transport employees and visitors with disabilities to outlying areas of the campus.
Custody Activity	Facility has made arrangements for the provision of accessible vans for use in transporting detainees with disabilities to and from outside appointments.	Accessible vans are not available resulting in detainees with disabilities being transported in inaccessible vehicles that jeopardize the health of detainees with physical disabilities.

Please describe:

Not applicable

C-10. Describe any circumstances within the past three years in which the inaccessible features of facilities resulted in segregated interactions with individuals with disabilities.

Type of Interaction	Example: Likely Compliant with Section 504	Example: Possibly Noncompliant with Section 504
Customer Service Activity	During a recent lease renewal, the program leased new space in a facility that complies with ABA standards.	The program opted to renew its lease in a facility where the service center entrance has stairs at the entryway; rather than provide a ramp or lift, the staff ask individuals with disabilities who use mobility devices to remain outside the facility and staff bring the necessary forms for assistance to them.
Security Activity	All security checkpoint aisles are fully accessible and can be used by all individuals being screened.	A security checkpoint only has one accessible aisle; this is designated for individuals with disabilities only. All other travelers without disabilities utilize other aisles at the checkpoint.
Custody Activity	Facility has code-compliant ramps and/or elevators to provide detainees who use wheelchairs access to areas of the facility that are otherwise reached only by stairs.	Facility visiting area can be reached only by stairs and no efforts have been made to provide portable ramps or other means of access.

Please describe:

___ No such circumstances occurred

C-11. Describe the circumstances and resolution of any complaints received within the past three years in which lack of physical access for individuals with disabilities was alleged.

Please describe:

___ No such complaints were received

Appendix C: Component Plan Template

[Under Development]

Components will develop the Component Plan following the completion of the Self-Evaluation to document the steps that will be undertaken to address any barriers or gaps identified. The Plan is required by DHS Directive 065-01 and is described in the implementing Instruction. CRCL will provide additional guidance on developing and submitting the Plan within Part 5 when the Reference Guide is re-issued well in advance of the beginning of the Plan writing stage.

As an interim measure, CRCL is including below the elements of the Component Plan identified in the Instruction. See Part 5 for the description of the Component Plan and the process for its development, as found in the Instruction.

Contents: The Component Plan addresses the barriers and gaps identified in the Self-Evaluation and contains the following elements:

- a. **Responsible Staff:** Identifies the lead and supporting Disability Access Coordinators for the Component, along with the senior management staff, work group, committee, or other staff who will have the authority and be responsible for implementing the Component Plan, as well as establishing and implementing operational procedures.
- b. **Component Overview:** Briefly describes the nature and scope of the Component's programs and activities in the context of the overarching DHS mission.
- c. **Program Interactions:** Describes all the points at which the Component encounters and serves individuals with disabilities in its conducted programs and activities.
- d. **Existing Policy Barriers:** Sets out the process for eliminating existing barriers to equal opportunity for individuals with disabilities by modifying the policies, directives, and guidance governing the Component's conducted programs and activities.
- e. **Program Accessibility:** Sets out the methods, including removal of structural barriers where necessary, that will be used to ensure that programs and activities are readily accessible to and usable by individuals with disabilities in the most integrated setting appropriate.
- f. **Interaction Procedures/Protocols:** Sets out the process for modifying existing or developing new procedures or protocols that staff will follow to provide access for individuals with disabilities encountered or served by the Component.
- g. **Reasonable Accommodations and Modifications Policies/Procedures:** Sets out the process for modifying existing or developing new policies and procedures for providing reasonable accommodations and modifications to qualified individuals with disabilities.

- h. Auxiliary Aids Policies/Procedures: Sets out the process for modifying existing or developing new policies and procedures to furnish auxiliary aids and services to individuals with disabilities.
- i. Dissemination of Policies and Procedures: Sets out the process for making the following readily available to all Component personnel interacting with or providing information to the public:
 - i. DHS Directive 065-01, Nondiscrimination for Individuals with Disabilities in DHS-Conducted Programs and Activities (Non-Employment);
 - ii. Component Plan developed in accordance with DHS Directive 065-01 and this Instruction;
 - iii. Component procedures for interacting with members of the public who have disabilities and associated procedures for processing requests for accommodations and modifications from these individuals;
 - iv. Component procedures for processing complaints from individuals alleging discrimination on the basis of disability, consistent with the DHS Section 504 regulation (6 C.F.R. Part 15);
 - v. The link to the DHS publication, “A Guide For Interacting With People Who Have Disabilities;” to be printed for use as appropriate; and
 - vi. The link to the DHS Disability Access web site hosted by CRCL.
- j. Training: Sets out the process for managerial and program staff training on disability access responsibilities, including the following:
 - i. Information on who the lead Disability Access Coordinator and supporting Coordinators are and how to contact them;
 - ii. Section 504 obligations related to program, physical, and communication access;
 - iii. Provision of reasonable accommodations and modifications, including auxiliary aids and services; and
 - iv. Tips for successfully interacting with individuals with disabilities found in “A Guide For Interacting With People Who Have Disabilities.”
- k. Notification to the Public: Sets out the processes for publicizing and disseminating information to inform persons served or encountered by the Component in DHS-conducted programs and activities of the following:

- i. Their rights under Section 504;
 - ii. How to request reasonable accommodations and modifications; and
 - iii. How to file a complete complaint under Section 504.
- l. Resources: Assesses the resources necessary to provide disability access, identifying existing resources to the extent practical and describing funding and procurement needs.
- m. Implementation Steps: For all action items identified above, describes the timeframes, milestones, and responsible parties for the steps to be taken in implementing the Component Plan.

Appendix D: Definitions

The following definitions are contained within the implementing Instruction for DHS Management Directive 065-01, Nondiscrimination for Individuals with Disabilities in DHS-Conducted Programs and Activities (Non-Employment). Note that these definitions should not be read to be inconsistent with statute or the DHS Section 504 regulation (6 C.F.R. Part 15).

Auxiliary Aids and Services: Services or devices that enable qualified individuals with disabilities to have an equal opportunity to participate in, and enjoy the benefits of, programs or activities conducted by the Department. Auxiliary aids and services include, but are not limited to:

1. Qualified interpreters on-site or through video remote interpreting (VRI) services; note takers; real-time computer-aided transcription services; written materials; exchange of written notes; telephone handset amplifiers; assistive listening devices; assistive listening systems; telephones compatible with hearing aids; closed caption decoders; open and closed captioning, including real-time captioning; voice, text, and video-based telecommunications products and systems, including text telephones (TTYs), videophones, and captioned telephones, or equally effective telecommunications devices; videotext displays; accessible electronic and information technology; or other effective methods of making aurally delivered information available to individuals who are deaf or hard of hearing;
2. Qualified readers; taped texts; audio recordings; Brailled materials and displays; screen reader software; magnification software; optical readers; secondary auditory programs (SAP); large print materials; accessible electronic and information technology; or other effective methods of making visually delivered materials available to individuals who are blind or have low vision;
3. Acquisition or modification of equipment or devices; and
4. Other similar services and actions.

Complete Complaint: A signed, written statement (which may be signed by the complainant or by someone authorized to do so on his or her behalf) that contains the complainant's name and contact information, and describes the Department's alleged discriminatory action in sufficient detail to inform the Department of the nature and date of the alleged violation of Section 504.

Component: Any organization which reports directly to the Office of the Secretary (the Secretary, the Deputy Secretary, the Chief of Staff, the Counselors, and their respective staff). This includes both Operational and Support components.

Conducted Programs and Activities: All programs and activities of the Department, including those carried out through contractual or licensing arrangements, except for programs and

activities conducted outside the United States that do not involve individuals with a disability in the United States.

Electronic and Information Technology (EIT): Information technology including any equipment or interconnected system or subsystem used in the creation, conversion, or duplication of data or information. EIT includes, but is not limited to, software applications and operating systems, telecommunications products, information kiosks and transaction machines, Web sites (Internet, Intranet, and Extranet), video and multimedia products, desktop and portable computers, and office equipment such as copiers and fax machines.

Facility: All or any portion of a building, structure, equipment, road, walk, parking lot, rolling stock (e.g., buses, vans, cars, railcars, or other conveyances), or other real or personal property that is owned, leased, or used by DHS or its contractors.

Fundamental Alteration: Modifications to essential aspects of programs, expansions to the substantive scope of a program, or eliminations of eligibility requirements for programs that impact public safety, as determined by the Secretary of Homeland Security (or his or her designee).

Individual with a Disability: An individual who has a physical or mental impairment that substantially limits one or more major life activities (an “actual disability”), or a record of a physical or mental impairment that substantially limits a major life activity (“record of”), or an actual or perceived impairment, whether or not the impairment limits or is perceived to limit a major life activity, that is not both transitory and minor (“regarded as”).

Interactive Process: The process by which the qualified individual with a disability requesting an accommodation and the Component and/or contractor engages with each other about the request for accommodation, the process for determining whether an accommodation can be provided, and identification of alternative accommodations.

Major Life Activities: Basic activities that the average person in the general population can perform with little or no difficulty, such as (but not limited to) caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, concentrating, thinking, interacting with others, and working. A major life activity can also include the operation of a major bodily function.

Qualified Individual with a Disability: With respect to a Department-conducted program or activity, an individual who can meet the essential eligibility requirements for receipt of services or participation in a federal entity’s programs, activities, or services with or without (1) reasonable modifications to a federal entity’s rules, policies, or practices; (2) removal of architectural, communication, or transportation barriers; or (3) provision of auxiliary aids and services.

Qualified Interpreter: A person who, via a video remote interpreting (VRI) service or an on-site appearance, is able to interpret effectively, accurately, and impartially, both receptively and

expressively, using any necessary specialized vocabulary. Qualified interpreters include, but are not limited to, sign language interpreters, oral transliterators, and cued-language transliterators.

Qualified Reader: A person who is able to read effectively, accurately, and impartially using any specialized vocabulary.

Reasonable Accommodation or Modification: A change or modification in the program or operation that would enable a qualified individual with a disability to enjoy an equal opportunity to participate in and benefit from a program or activity and that would not result in a fundamental alteration or undue financial and administrative burdens.

Section 504: Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), as amended. Section 504 prohibits discrimination based on disability in federally assisted and federally conducted programs or activities in the United States, including employment programs. As used in this Instruction, Section 504 applies only to programs or activities conducted by DHS, including through its contractors, and not its federally assisted programs.

Section 508: Section 508 of the Rehabilitation Act of 1973 (29 U.S.C. 794d), as amended. Section 508 requires that when federal agencies develop, procure, maintain, or use EIT, federal employees with disabilities have access to and use of information and data that is comparable to the access and use by federal employees without disabilities, unless an undue burden would be imposed on the agency. Section 508 also requires that any person with a disability from the general public seeking information or services from a federal agency have access to and use of information and data that is comparable to that provided to persons without disabilities, unless an undue burden would be imposed on the agency.

Undue Burdens: Those financial and/or administrative burdens that entail significant difficulty or expense or add significant new administrative responsibilities, when assessed in comparison to all Component resources available for use in the funding and operation of the conducted program or activity, as determined by the Secretary of Homeland Security (or his or her designee).

Video Remote Interpreting (VRI) Service: An interpreting service that uses video conference technology over dedicated lines or wireless technology offering high-speed, wide-bandwidth video connection that delivers high-quality video images as provided in 28 C.F.R. § 35.160(d).

Appendix E: References and Resources

This Reference Guide draws heavily from several publications produced by the U.S. Department of Justice (DOJ) and other subject matter experts in the years following federal agency development of Rehabilitation Act Section 504 regulations and issuance of the Americans with Disabilities Act Title II Regulations. These documents are currently not available on the Internet, but the DOJ Disability Rights Section graciously facilitated access to these documents for use by CRCL. The documents include:

- Technical Assistance Guide 87-1: Section 504 Transition Plan and Self-Evaluation Information (issued by DOJ's Civil Rights Division, Coordination and Review Section, 1987)
- Technical Assistance Guide 88-11: Supplemental Information about the Section 504 Transition Plan Requirements (issued by DOJ's Civil Rights Division, Coordination and Review Section, 1988)
- Technical Assistance Guide 88-12: Supplemental Information about the Section 504 Self-Evaluation Requirements (issued by DOJ's Civil Rights Division, Coordination and Review Section, 1988)
- ADA Title II Action Guide for State and Local Governments (produced by Adaptive Environments Center, Inc., 1992)

In addition, key concepts were derived from the preamble language and technical assistance materials for the ADA Title II Regulation, located at the following links:

- ADA Title II Regulation (1991), <http://www.ada.gov/reg2.html>
- ADA Title II Regulation (2010), http://www.ada.gov/regs2010/titleII_2010/titleII_2010_regulations.htm
- ADA Title II Technical Assistance Manual, <http://www.ada.gov/taman2.html>
- ADA Title II Technical Assistance Manual (1994 Supplement), <http://www.ada.gov/taman2up.html>
- Americans with Disabilities Act Title II Primer, http://www.ada.gov/regs2010/titleII_2010/title_ii_primer.html
- ADA Best Practices Tool Kit for State and Local Governments, <http://www.ada.gov/pcatoolkit/toolkitmain.htm>
- ADA Tool Kit: Chapter 3, General Effective Communication Requirements, <http://www.ada.gov/pcatoolkit/chap3toolkit.htm>
- Revised ADA Requirements: Effective Communication, <http://www.ada.gov/effective-comm.htm>
- Communicating with People Who are Deaf or Hard of Hearing: ADA Guide for Law Enforcement Officers, <http://www.ada.gov/lawenfcomm.htm>
- Commonly Asked Questions about the Americans with Disabilities Act and Law Enforcement, http://www.ada.gov/qanda_law.pdf

- Addressing Police Misconduct: Laws Enforced by the Department of Justice, <http://www.justice.gov/crt/about/spl/documents/polmis.php#maincontent>

Readers are urged to visit the following websites to obtain additional resources and technical assistance related to disability rights laws and their application to federal programs and activities:

- Disability Access in the Department of Homeland Security (hosted by DHS/CRCL), <http://www.dhs.gov/disability-access-department-homeland-security>
- ADA.gov Homepage (hosted by DOJ), <http://www.ada.gov/>
- ADA National Network Home Page, <https://adata.org/>
- U.S. Access Board Homepage, <http://www.access-board.gov/>
- Accessible Facility Design (hosted by the General Services Administration), <http://www.gsa.gov/portal/category/21630>
- Section508.gov Homepage (hosted by the General Services Administration), <http://www.section508.gov/>
- Disability.gov Homepage (hosted by the U.S. Department of Labor), <http://www.disability.gov/>