Attachment L

New York State Office for the Aging

Equal Access Requirements

**LEGAL AND GENERAL REQUIREMENTS**

**Title VI of the Civil Rights Act of 1964 (CRA Title VI) mandates that entities receiving federal financial assistance (includes all subcontractors)** may **not**, based on race, color, or national origin exclude any person from participation in; deny the benefits of; or subject any person to discrimination, under any program or activity receiving federal financial assistance. Under the CRA Title VI precept regarding national origin, “…failure to ensure that limited English proficiency (LEP) persons can effectively participate in or benefit from federally assisted programs and activities may violate the prohibition …against national origin discrimination.”

**Federal Executive Order 13166** requires entities that receive federal funds to: examine the services they provide, identify any need for services to those with limited English proficiency (LEP), and develop and implement a system to provide those services so persons with LEP can have meaningful access (see Section VI. below).

**Section 504 of the Rehabilitation Act of 1973, and Titles II and III of the Americans with Disabilities Act (ADA)** prohibit covered entities from discriminating against persons with disabilities in the provision of benefits or services or the conduct of programs or activities.

* Section 504 applies to programs or activities that receive federal financial assistance, directly or as subcontractors.
* Title II of the ADA covers all of the services, programs, and activities conducted by public entities (state and local governments, departments, agencies, etc.).
* Title III covers private entities, including nonprofits that are considered places of public accommodation, which would include, but are not limited to, health related offices and senior centers (including social adult day services centers).

**What is the relationship between Section 504 and the Americans with Disabilities Act (ADA)?**

* Section 504 of the Rehabilitation Act of 1973 requires Federal agencies, and organizations receiving Federal financial assistance, to provide meaningful access to their programs and activities to persons with disabilities.
* The Rehabilitation Act is sometimes confused with the Americans with Disabilities Act (ADA), which was passed in 1990. While there are many parallels between the Rehabilitation Act and the ADA, there are some fundamental differences. Both laws are designed to prohibit discrimination against individuals with disabilities. Both share many of the same definitions and provisions. However, where the Rehabilitation Act pertains to Federal agencies and entities receiving Federal funding, the ADA applies to State and local governments, public accommodations, commercial facilities, transportation, telecommunications, and the U.S. Congress.

**Generally, to comply with these laws, those receiving federal funding must:**

* Provide services, programs and activities in the most integrated setting appropriate to the needs of qualified individuals with disabilities.
* Make reasonable modifications in their policies, practices and procedures to avoid discrimination on the basis of disability, unless they can demonstrate that a modification would fundamentally alter the nature of their service, program or activity.
* Ensure that their programs, activities and services are accessible to and readily usable by individuals with disabilities.
* Provide auxiliary aids at no additional cost to individuals with disabilities, where necessary, to ensure effective communication with individuals with hearing, vision or speech impairments. Auxiliary aids include, but are not limited to, services or devices such as: qualified interpreters on-site or through video remote interpreting (VRI) services, note takers, assistive listening devices, television captioning and decoders, telecommunication products and systems, qualified readers, taped texts, Brailled materials, and large print materials.

**The New York State Human Rights Law (HRL)**, §290 through §301 of the Executive Law of NYS prohibits discrimination on the basis of the following characteristics: Race, Color, Creed, National Origin, Sex, Age, Disability, Sexual Orientation, Marital Status, Familial Status, Military Status, Domestic Violence Victim Status, Arrest or Conviction Record, and Predisposing Genetic Characteristics.

**Localities may have Human Rights legislation** that also affects AAAs and their subcontractors. NYS Aging Network providers should ensure that they are familiar and comply with county and city laws and regulations in this regard, e.g., Albany, New York City, Suffolk, and Westchester Counties all have local Human Rights laws (not an all-inclusive list, examples only).

**RESOURCES FOR TECHNICAL ASSISTANCE**

Based on U.S. Department of Health & Human Services, Policy And Procedures For Communication With Persons With Limited English Proficiency:

* 1. **US DEPARTMENT OF HEALTH AND HUMAN SERVICES** 
     1. **Federal Agency LEP Guidance for Recipients: Department of Health and Human Services (HHS)**- [LEP Policy Guidance for HHS Recipients](http://www.gpo.gov/fdsys/pkg/FR-2003-08-08/pdf/03-20179.pdf) - August 8, 2003
     2. **HHS Office of Minority Health**
        1. **Cultural Competency:** <http://minorityhealth.hhs.gov/templates/browse.aspx?lvl=1&lvlID=3>
        2. [Health Related Information on Minority Populations](http://minorityhealth.hhs.gov/templates/browse.aspx?lvl=1&lvlID=5)
  2. **UNITED STATES ADMINISTRATION ON COMMUNITY LIVING (ACL) RESOURCES**
     1. **Diversity Toolkit**: consists of a four-step process and a questionnaire that assists the Aging Services Network and its partners with every stage of program planning, implementation, and delivery of diverse population services

http://www.aoa.gov/AoARoot/AoA\_Programs/Tools\_Resources/DOCS/AoA\_DiversityToolkit\_full.pdf

* + 1. **Civil Rights and Equal Access**: includes information on Civil Rights, Limited English Proficiency, Citizenship/Alien Status

http://www.aoa.gov/AoARoot/AoA\_Programs/Tools\_Resources/civil\_rights.aspx#civil

1. **ACL Unofficial Compilation of Older Americans Act**, as amended in 2006

http://www.aoa.gov/aoaroot/aoa\_programs/oaa/oaa\_full.asp

* 1. [**STANFORD SCHOOL OF MEDICINE: STANFORD GERIATRIC EDUCATION CENTER: Curriculum in Ethnogeriatrics (free, online)**:](http://www.stanford.edu/group/ethnoger/) provides basic concepts in culturally competent care and information designed to increase providers’ awareness of specific cultural, racial, ethnic, and tribal influences on health related cultural traditions, beliefs and values
  2. **AMERICANS WITH DISABILITIES ACT (ADA) TITLE II AND III REQUIREMENTS** 
     1. [Title II of the ADA covers all of the services, programs, and activities conducted by public entities (state and local governments, departments, agencies, etc.](http://www.ada.gov/taman2.html#II-1.3000)
     2. [Title III covers private entities, including nonprofits that are considered places of public accommodation that would include, but are not limited to, health related offices and senior centers](http://www.ada.gov/taman3.html) (including social adult day services centers).

**E**. **SECTION 504 OF THE REHABILITATION ACT OF 1973, 45 CFR PART 85**

**Section 504 prohibits discrimination in service availability, accessibility, delivery, employment, and the administrative activities and responsibilities of organizations receiving Federal financial assistance**

**http://www.hhs.gov/ocr/civilrights/resources/factsheets/504ada.pdf**