ADA National Network Learning Session – FEMA’s Section 504 Disability Access Plan

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Key Authorities

• Section 504 of the Rehabilitation Act of 1973 (prohibits discrimination based on disability and requires equal access for people with disabilities)
• Section 504 applies to FEMA’s programs and activities
• Section 504 applies to recipients of federal financial assistance, e.g., entities that receive federal grants, including State, local, Tribal and Territorial emergency managers
• Sections 308 and 309 of the Stafford Act, 42 U.S.C. §§ 5151-52
• 44 CFR Part 16: Enforcement of nondiscrimination on the basis of [disability] in programs or activities conducted by FEMA
FEMA’s Section 504 Disability Access Plan

- Finalized on August 12, 2019
- Outlines five focus areas to enhance inclusion of people with disabilities in FEMA program delivery and compliance with Section 504
- FEMA must provide progress report to DHS by June 2020

What are FEMA’s public-facing programs and activities?

- Disaster assistance
- House inspections
- Temporary housing units
- National Flood Insurance Program
- Responding to inquiries and/or sharing information with the public
What are FEMA’s public-facing programs and activities? (cont’d)

• Job fairs or recruitments events
• On-line and classroom training
• Events with members of the public as invitees
• Contracting and procurement activities

Additional Requirements for FEMA’s Section 504 Disability Access Plan

• Available to the public and posted as 504 Disability Access Plan at https://www.fema.gov/office-equal-rights
• Welcome disability stakeholders’ questions and feedback about implementation
Five Focus Areas for Improvement

1. Public information, and platforms for distributing information, including public events and meetings;
2. Trainings and exercises;
3. Noticing of the rights of people with disabilities;
4. Disaster assistance and recovery programs; and
5. Facilities.

Accessible Public Information and Platforms

**Requirement:** Effective communication access means information in a written, spoken, or alternative mode of communication is clearly understandable and actionable for the whole community.

Who needs effective communication access?

- Deaf or hard of hearing
- Blind or have low-vision
- Cognitive or intellectual disabilities
- Limited literacy
- People who have limited English proficiency (LEP)
- Others who may not self identify
Accessible Public Information and Platforms (cont.)

- Access/Accommodations or Modifications, upon request
- Alternative Formats – Braille, large print, electronic format
- Conceptual plain language/accessible messaging

Strategies to Provide Accessible Public Information

- Develop policies/programs to ensure effective communication access across the Agency taking into account ever-changing availability of services and technology
- Sign language interpreters/foreign language
- Provide captioning, both in-person and remote; Fed Relay
- Make original document (Word, Excel, PPT, etc.) 508 compliant/PDF/website
- Create 508 compliant videos (captioning and audio description) and also look at feasibility of including ASL interpreters, a 504 issue
- Provide accessible messaging through pictograms and/or conceptual plain language
- Provide information in alternative formats
- Include abbreviated Civil Rights Notice on all announcements for webinars, trainings, public meetings
Trainings and Exercises - Inclusive of People with Disabilities

• FEMA trainings and exercises need to consistently include and integrate the needs of people with disabilities; and
• FEMA needs to provide trainings and guidance on available contracts and mechanisms that provide effective communication access to people with disabilities.

Strategies to Provide Inclusive Training and Exercises

• Update key FEMA training courses to add disability inclusion
• Provide Section 504 and disability access training to FEMA staff
• Ensure training videos include audio descriptions and captioning
• Explicitly include people with disabilities in FEMA videos and trainings, use person-centered language
• Facilitate disability stakeholder involvement in National and other FEMA-led exercises
Publish Widely Civil Rights Notice

• FEMA must provide Civil Rights Notice, include rights under 504 to request accommodations or modifications to access FEMA programs and activities
• FEMA’s civil rights complaints process and the rights of the public under Section 504 must be well understood and noticed
• FEMA needs to improve understanding of Section 504 requirements in its contracts for public-facing activities

Strategies to Publish Widely Civil Rights Notice

FEMA has an updated Civil Rights Notice, including:
• Who to contact if you feel your civil rights have been violated, and
• Who to contact for assistance (reasonable accommodation or language access need) in accessing FEMA programs and activities.
Role of Equal Rights Advisors at Disaster Operations

• Post hard copy of Civil Rights Notice in Disaster Recovery Centers
• Publish Notice widely through press releases, social media, and community partners
• Emphasize FEMA’s affirmative responsibilities with respect to providing access to individuals with disabilities and information in appropriate languages to people with limited English proficiency

Role of Equal Rights Advisors at Disaster Operations (Cont.)

• Include in FEMA announcements for webinars, trainings, and meetings Civil Rights Notice
• Ensure field leadership’s explicit support for civil rights and setting the expectation for the operation
• Show State, local, tribal, and territorial counterparts the importance of civil rights and providing access to disaster survivors
• Engage community-based civil rights organizations to receive feedback on FEMA’s program delivery and proactively address concerns
Disaster Assistance and Recovery Programs

• FEMA’s delivery of assistance to survivors needs to consistently address the disaster-related needs of survivors with disabilities such as appropriate accommodations/modifications.
• FEMA’s temporary housing programs needs to consistently provide people with disabilities appropriate accommodations/modifications.
• FEMA must consistently integrate the needs and perspectives of people with disabilities in community-related recovery programs.

Strategies to Provide Inclusive Disaster Assistance and Recovery Programs

• Offer disaster survivors with disabilities the opportunity to self-identify and accommodate their access needs from registration, including appeals, throughout the delivery of assistance
• Use civil rights complaint data to educate leadership
Accessible Facilities

- FEMA leased and managed facilities, including Disaster Recovery Centers at disaster operations, need to be fully accessible for people with disabilities
- FEMA Occupant Emergency Plans need to consistently consider occupants and visitors who need accessible alerting and evacuation

Strategies to Provide Physical Access

- Focus on parking, paths of travel, entrance doors, entrance vestibules, interior doors, corridors, toilet rooms, drinking fountains, visible and audible alarms, signage, wheelchair seating;
- Involve Equal Rights Advisors in meeting/event planning and site inspections for physical accessibility at disaster operations; and
- Confirm Occupant Emergency Plans consistently consider occupants and visitors with disabilities who need accessible alerting and assistance evacuating.
OER Responsibilities – Technical Assistance

• Provides advice and guidance to FEMA senior leadership and program staff, to proactively address barriers to equal access and equal opportunity for people with disabilities
• Provides technical assistance to FEMA program offices on providing reasonable accommodations or modifications to ensure equal access for people with disabilities
• Coordinates with Equal Rights Advisors at disaster operations, regional personnel, and training facilities to support equal access

OER Responsibilities – Civil Rights Compliance

• Investigates civil rights complaints brought by members of the public, including disaster survivors, involving FEMA programs and activities
• Receives civil rights complaints directly or through Helpline
• Follows compliance procedures outlined in 44 CFR § 16.170 with respect to disability-related civil rights complaints
Contact Information

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