

Participants with Disabilities

Policy

USDA Federal Regulations:

7 CFR 15b.1 Purpose. The purpose of this part is to implement section 504 of the Rehabilitation Act of 1973, as amended, to the end that no otherwise qualified handicapped individual in the United States shall solely by reason of his or her handicap be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

USDA Federal Regulations:

7 CFR Part 246.8 (a) *Civil rights requirements.* The State agency shall comply with the requirements of title VI of the Civil Rights Act of 1964, title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, Department of Agriculture Regulations on nondiscrimination (7 CFR parts 15, 15a and 15b) and FNS instructions to ensure that no person shall, on the grounds of race, color, national origin, age, sex or handicap, be excluded from participation in, be denied benefits of, or be otherwise subjected to discrimination under the Program. Compliance with title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and regulations and instructions issued thereunder shall include, but not be limited to:

- (1) Notification to the public of the nondiscrimination policy and complaint rights of participants and potentially other person;
- (2) Review and monitoring activity to ensure Program compliance with the nondiscrimination laws and regulations;
- (3) Collection and reporting of racial and ethnic participation data as required by Title VI of the Civil Rights Act of 1964, which prohibits discrimination in federally assisted programs on the basis of race, color, or national origin; and
- (4) Establishment of grievance procedures for handling complaints based on sex and handicap.

USDA Federal Regulations:

7 CFR 246.2 Definitions. Disability means, with respect to an individual, a physical or mental impairment that substantially limits one or more of the major life activities of such individual, a record of such an impairment, or being regarded as having such an impairment. See 28 CFR 35.108.

Authority

USDA Federal Regulations: 7 CFR 15b.1

USDA Federal Regulations: 7 CFR Part 246.8 (a)

USDA Federal Regulations: 7 CFR 246.2 Definitions (excerpt)

USDA Federal Regulations: 7 CFR 15

Iowa Department of Health & Human Services/WIC

USDA Federal Regulations: 7 CFR 16

USDA Departmental Regulations

FNA Program Regulations

Judicial Administration Federal Regulations: 28 CFR 35

Judicial Administration Federal Regulations: 28 CFR 36

Judicial Administration Federal Regulations: 28 CFR 42

Title VI of the Civil Rights Act of 1964

Title IX of the Education Amendments of 1972

Americans with Disabilities Act (ADA) of 1990

ADA Amendments Act of 2008

Age Discrimination Act of 1975

Civil Rights Restoration Act of 1987

Section 504 of the Rehabilitation Act

The Americans with Disabilities Act

Procedures

Section 504 of the Rehabilitation Act of 1973 prohibits discrimination on the basis of disability in programs and activities receiving or benefiting from Federal financial assistance. Similarly, the Americans with Disabilities Act protects qualified individuals with disabilities from discrimination on the basis of disability in the services, programs, or activities of all State and local governments.

The WIC Program must provide services to disabled clients which:

- Are equal to those provided to non-disabled clients
- Are held in integrated settings, appropriate to each person's needs
- Do not limit participation because of the disability (make reasonable modifications on a case-by-case basis)
- Do not deny them the opportunity to serve on a planning or advisory board because of a disability
- Allow full participation without physical barriers restricting access to the program

Local agencies must take necessary steps toward compliance with the Americans With Disabilities Act of 1990 (ADA). See the policy titled "Contract Agency Policies and Procedures" for more information.

Clinic Accessibility

The WIC Clinic Access Survey is a tool to use to review clinic sites to determine compliance with Title II of the Americans with Disabilities Act (ADA). See the form titled "WIC Clinic Access Survey" on the WIC Web Portal in the Civil Rights Forms section.

Notification Assistance

Local and State agencies must provide notice to persons with disabilities about the availability of reasonable modifications, auxiliary aids, and services and how to request them. Notification may include but is not limited to the posting of notices, placement of notices in the recipient's

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publications, radio announcements, and the use of other visual and aural media. Websites must also provide notice of the availability of language **and disability** assistance services and how to request them. Example: “If you have difficulty understanding English or have a disability, free language assistance or other aids and services are available upon request. **Deaf Relay Iowa:** (Hearing or Speech Impaired) 711 or 1-800-735-2942”. **For more information about Relay Iowa and other methods to use Relay Iowa, visit the following website: <https://iuc.iowa.gov/customer-assistance/telephone-accessibility/relay-iowa>.**

Section 504 Americans with Disabilities Coordinator

Agencies must have a Section 504 Americans with Disabilities Coordinator. See the policy titled “Section 504/Americans with Disabilities Coordinator, for more information.