

WIC Clinic Access Survey

Policy

USDA Federal Regulations: 7 CFR Part 15b.18 (a)-(b)

- (a) Accessibility. A recipient shall operate each assisted program or activity so that when each part is viewed in its entirety it is readily accessible to and usable by qualified handicapped persons. This paragraph does not necessarily require a recipient to make each of its existing facilities or every part of an existing facility accessible to and usable by qualified handicapped persons.
- (b) Method. A recipient may comply with the requirements of paragraph (a) of this section through such means as redesign of equipment, reassignment of classes or other services to accessible buildings, assignment of aids to beneficiaries, home visits, delivery of services at alternate accessible sites, alteration of existing facilities and construction of new facilities in conformance with the requirements of § 15b.19, or any other method that results in making its program or activity accessible to qualified handicapped persons. A recipient is not required make structural changes in existing facilities where other methods are effective in achieving compliance with paragraph (a) of this section. In choosing among available methods for meeting the requirement of paragraph (a) of this section, a recipient shall give priority to those methods that serve qualified handicapped persons in the most integrated setting as appropriate.

Judicial Administration Regulations: 28 CFR Part 35.105 (a) – (d)

- (a) A public entity shall, within one year of the effective date of this part, evaluate its current services, policies and practices, and the effects thereof, that do not or may not meet the requirements of this part and, to the extent modification of any such services, policies, and practices is required, the public entity shall proceed to make the necessary modifications.
- (b) A public entity shall provide an opportunity to interested persons, including individuals with disabilities or organizations representing individuals with disabilities, to participate in the self-evaluation process by submitting comments.
- (c) A public entity that employs 50 or more persons shall, for at least three years following completion of the self-evaluation, maintain on file and make available for public inspection
 - (1) A list of the interested persons consulted;
 - (2) A description of areas examined and any problems identified; and
 - (3) A description of any modifications made.
- (d) If a public entity has already complied with the self-evaluation requirement of a regulation implementing section 504 of the Rehabilitation Act of 1973, then the requirements of this section shall apply only to those policies and practices that were not included in the previous self-evaluation.

Judicial Administration Regulations: 28 CFR Part 35.106

A public entity shall make available to applicants, participants, beneficiaries, and other interested persons information regarding the provisions of this part and its applicability to the services,

programs, or activities of the public entity, and make such information available to them in such a manner as the head of the entity finds necessary to apprise such persons of the protections against discrimination assured them by the Act and this part.

Judicial Administration Regulations: 28 CFR Part 35.150 (a) – (b), d

(a) *General.* A public entity shall operate each service, program, or activity so that the service, program, or activity, when viewed in its entirety, is ready accessible to and usable by individuals with disabilities. This paragraph does not-

- (1) Necessarily require a public entity to make each of its existing facilities accessible to and usable by individuals with disabilities;
- (2) Require a public entity to take any action that would threaten or destroy the historic significance of an historic property; or
- (3) Require a public entity to take any action that it can demonstrate would result in a fundamental alteration in the nature of a service, program, or activity or in undue financial and administrative burdens. In those circumstances where personnel of the public entity believe that the proposed action would fundamentally alter the service, program, or activity or would result in undue financial and administrative burdens, a public entity has the burden of proving that compliance with §35.150(a) of this part would result in such alteration or burdens. The decision that compliance would result in such alteration or burdens must be made by the head of a public entity or his or her designee after considering all resources available for use in the funding and operation of the service, program, or activity, and must be accompanied by a written statement of the reasons for reaching that conclusion. If an action would result in such an alteration or such burdens, a public entity shall take any other action that would not result in such an alteration or such burdens but would nevertheless ensure that individuals with disabilities receive the benefits or services provided by the public entity.

(b) *Methods-*

- (1) *General.* A public entity may comply with the requirements of this section through such means as redesign or acquisition of equipment, reassignment of services to accessible buildings, assignment of aids to beneficiaries, home visits, delivery of services at alternate accessible sites, alteration of existing facilities and construction of new facilities, use of accessible rolling stock or other conveyances, or any other methods that result in making its services, programs or activities readily accessible to and usable by individuals with disabilities. A public entity is not required to make structural changes in existing facilities where other methods are effective in achieving compliance with this section. A public entity, in making alterations to existing buildings, shall meet the accessibility requirements of §35.151. In choosing among available methods for meeting the requirements of this section, a public entity shall give priority to those methods that offer services, programs, and activities to qualified individuals with disabilities in the most integrated setting appropriate.

(d) *Transition plan*

- (1) In the event that structural changes to facilities will be undertaken to achieve program accessibility, a public entity that employs 50 or more persons shall develop, within six months of January 26, 1992, a transition plan setting forth the steps necessary to complete

such changes. A public entity shall provide an opportunity to interested persons, including individuals with disabilities or organizations representing individuals with disabilities, to participate in the development of the transition plan by submitting comments. A copy of the transition plan shall be made available for public inspection.

(2) If a public entity has responsibility or authority over streets, road, or walkways, its transition plan shall include a schedule for providing curb ramps or other sloped areas where pedestrian walks cross curbs, giving priority to walkways serving entities covered by the Act, including State and local government offices and facilities, transportation, places of public accommodation, and employers, followed by walkways serving other areas.

(3) The plan shall, at a minimum –

(i) Identify physical obstacles in the public entity's facilities that limit the accessibility of its programs or activities to individuals with disabilities;

(ii) Describe in detail the methods that will be used to make the facilities accessible;

(iii) Specify the schedule for taking the steps necessary to achieve compliance with this section and, if the time period of the transition plan is longer than one year, identify steps that will be taken during each year of the transition period; and

(iv) Indicate the official responsible for the implementation of the plan.

(4) If a public entity has already complied with the transition plan requirement of a Federal agency regulation implementing section 504 of the Rehabilitation Act of 1973, then the requirements of this paragraph (d) shall apply only to those policies and practices that were not included in the previous transition plan.

Authority

USDA Federal Regulations: 7 CFR Part 15b.18 (a) – (b)

Judicial Administration Regulations: 28 CFR Part 35.105 (a) – (d)

Judicial Administration Regulations: 28 CFR Part 35.106

Judicial Administration Regulations: 28 CFR Part 35.150 (a) – (b)(1), (d)

USDA Federal Regulations: 7 CFR Part 15b.18

USDA Federal Regulations: 7 CFR 15

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

Section 504 of the Rehabilitation Act of 1973

Americans with Disabilities Act (ADA) of 1990

ADA Amendments Act of 2008

Age Discrimination Act of 1975

Civil Rights Restoration Act of 1987

Procedures

Title II of the Americans with Disabilities Act (ADA) requires that all public entities that employ more than 50 people take several steps to ensure full participation of individuals with disabilities in its programs, activities, and services. A component of this requirement includes an assessment of physical barriers.

WIC Clinic Access Survey

The WIC Clinic Access Survey is a tool for local WIC agencies to use to review all new and renovated clinic sites to determine compliance with Title II. The survey must be completed before the site is used as a clinic, uploaded to IowaGrants.gov as part of the WIC Program Request for Clinic Approval Form (see policy titled “Notification of Program Changes), and written evaluations must be retained in agency files. The “WIC Clinic Access Survey” form is found in the **Civil Rights** Forms section.

Transition Plan

Following the completion of the WIC clinic access survey, a transition plan should be completed to address problem areas. The transition plan should include the following elements:

- A list of physical barriers in the facility
- An explanation of how the barriers will be removed and/or alternate accommodations to be taken to serve WIC participants with physical disabilities
- The schedule for taking the necessary steps to achieve compliance with Title II
- The name of the agency staff person responsible for the implementation of the plan

Note: Plans should be updated following significant renovation of a site.