

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)
)
Amendment of Part 1, Subpart N of the)
Commission's Rules Concerning Non-)
Discrimination on the Basis of Disability in)
the Commission's Programs and Activities)

ORDER

Adopted: March 4, 2003

Released: March 12, 2003

By the Commission: Chairman Powell, Commissioners Copps and Adelstein issuing separate statements.

1. As originally enacted, Section 504 of the Rehabilitation Act of 1973 prohibited discrimination against individuals with disabilities under any "program or activity" receiving Federal financial assistance.¹ In 1978, Congress amended Section 504 to cover any program or activity conducted by any Executive Branch agency or the United States Postal Service. The 1978 amendment required covered agencies to promulgate regulations enforcing Section 504's prohibitions. On April 15, 1987, the Commission released a *Report and Order* that adopted with minor modifications the Department of Justice's prototype regulations for implementing and enforcing Section 504.² The *Report and Order* noted that the legislative history of the 1978 amendments indicated that Congress intended the amendments to apply to all federal agencies, including independent regulatory agencies such as this Commission.³ Except for adding consumer complaint procedures, the Commission has not updated its Section 504 regulations since 1987.

2. By this Order, we amend Part 1, Subpart N of our rules, entitled "Enforcement of Non-

¹ The Rehabilitation Act of 1973, Pub.L. 93-112, 87 Stat. 394, 29 U.S.C. 794, as amended by the Rehabilitation Act Amendments of 1974, Pub.L. 93-516, 88 Stat. 1617, and the Rehabilitation, Comprehensive Services, and Developmental Disabilities Amendments of 1978, Pub.L. 95-602, 92 Stat. 2955, and the Rehabilitation Act Amendments of 1986, § 103(d), Pub.L. 99-506, 100 Stat. 1810, creates specific causes of action for persons who are aggrieved by discriminatory treatment as defined in the Act.

² *Amendment of Part 1 of the Commission's Rules to Implement Section 504 of the Rehabilitation Act of 1973, as amended*, 29 U.S.C. § 794, Gen. Docket No. 84-533, *Report and Order*, 2 FCC Rcd 2199 (1987)(*Report and Order*).

³ See *Report and Order* at 2199, ¶ 2.

discrimination on the Basis of Handicap in Programs or Activities Conducted by the Federal Communications Commission,” 47 C.F.R. 1.1801 *et seq.*, to update the Commission’s Section 504 regulations. Specifically, we amend Subpart N throughout to replace the terms “handicap,” “individual with a handicap,” and “individuals with handicaps” with the terms “disability,” “individual with a disability,” and “individuals with disabilities,” respectively, in keeping with the most current statutory terms used in the Americans with Disabilities Act.⁴ We amend sections 1.1803 and 1.1810 to specify filing and signature formats for persons with disabilities who wish to file using alternative media. We add a new section 1.1805 to our rules to provide for the Federal Communications Commission Section 504 Programs and Activities Accessibility Handbook (Section 504 Handbook). The Section 504 Handbook is intended as a guide to implement the Commission’s responsibilities under Section 504 of the Rehabilitation Act.⁵ This handbook describes the methods and procedures for accommodation available at the Commission to achieve a consistent and complete accommodations policy. It is for internal staff use and public information only, and is not intended to create any rights, responsibilities, or independent causes of action against the Federal Government.

3. In addition, we amend section 1.1803 to define the term “programs or activities” as that term is used in Subpart N. We amend section 1.1810 to require that the self-evaluation process be held every three years, during which time we will seek public comment on the accessibility of our programs and activities as required by Section 504 of the Rehabilitation Act of 1973. Finally, we amend section 1.1849 to add a procedure for individuals who are requesting accessibility to the Commission’s programs and facilities. We note that requests for accommodation requiring the assistance of other persons (e.g., an American Sign Language interpreter) can best be provided if the request is made five business days before a Commission event.⁶

4. The modifications to Part 1, Subpart N undertaken by this Order are rules that pertain to agency organization, procedure and practice. Consequently, the notice and comment provisions of the Administrative Procedure Act are inapplicable.⁷ The procedural rule modifications will be effective

⁴ 42 U.S.C. §§ 12101 *et seq.*

⁵ The Rehabilitation Act of 1973, Pub.L. 93-112, 87 Stat. 394, 29 U.S.C. 794, as amended by the Rehabilitation Act Amendments of 1974, Pub.L. 93-516, 88 Stat. 1617, and the Rehabilitation, Comprehensive Services, and Developmental Disabilities Amendments of 1978, Pub.L. 95-602, 92 Stat. 2955, and the Rehabilitation Act Amendments of 1986, sec. 103(d), Pub.L. 99-506, 100 Stat. 1810, creates specific causes of action for persons who are aggrieved by discriminatory treatment as defined in the Act.

⁶ Even if the request for accommodation is made less than five days before the relevant event, the Commission will make every effort to secure the services of a person to provide the requested assistance.

⁷ 5 U.S.C. § 553(b)(3)(A).

immediately upon publication in the Federal Register.⁸

5. Accordingly, IT IS ORDERED that, pursuant to Section 5 of the Communications Act of 1934, as amended, 47 U.S.C. § 155, Part 1, Subpart N of the Commission's rules IS AMENDED as set forth in the attached Appendix, effective upon publication in the Federal Register.

6. FEDERAL COMMUNICATIONS COMMISSION

7.

Marlene H. Dortch
Secretary

⁸ See 5 U.S.C. § 553(d).

8. APPENDIX A

9. FINAL RULE AMENDMENTS

10.

Part 1 of Title 47 of the Code of Federal Regulations is amended as follows:

1) The authority citation for Part 1 continues to read as follows:

AUTHORITY: 47 U.S.C. 151, 154(i), 154(j), 155, 225, 303(r), 309 and 325(e), and 29 USC 794.

2) Part 1 Subpart N is amended to read as follows:

11.

SUBPART N--ENFORCEMENT OF NONDISCRIMINATION ON THE BASIS OF DISABILITY IN
PROGRAMS OR ACTIVITIES CONDUCTED BY THE FEDERAL COMMUNICATIONS
COMMISSION

§ 1.1801 Purpose.

The purpose of this part is to effectuate section 119 of the Rehabilitation, Comprehensive Services, and Developmental Disabilities Amendments of 1978, which amended section 504 of the Rehabilitation Act of 1973 (section 504) to prohibit discrimination on the basis of disability in programs or activities conducted by Executive agencies or the United States Postal Service.

§ 1.1802 Applications.

This part applies to all programs or activities conducted by the Federal Communications Commission. The programs or activities of entities that are licensed or certified by the Federal Communications Commission are not covered by these regulations.

§ 1.1803 Definitions.

For purposes of this part, the term--

“Auxiliary aids” means services or devices that enable persons with impaired sensory, manual, or speaking skills to have an equal opportunity to participate in, and enjoy the benefits of, programs or activities conducted by the Commission. For example, auxiliary aids useful for persons with impaired vision include readers, Brailled materials, audio recordings, and other similar services and devices. Auxiliary aids useful for persons with impaired hearing include telephone handset amplifiers, telephones compatible with hearing aids, telecommunication devices for deaf persons (TTY/TDDs), interpreters, Computer-aided realtime transcription (CART), captioning, notetakers, written materials, and other similar services and devices.

“Commission” means Federal Communications Commission.

“Complete complaint” means a written statement, or a complaint in audio, Braille, electronic, and/or video format, that contains the complainant's name and address and describes the Commission's alleged discriminatory action in sufficient detail to inform the Commission of the nature and date of the alleged violation of section 504. It shall be signed by the complainant or by someone authorized to do so on his

or her behalf. The signature of the complainant, or signature of someone authorized by the complainant to do so on his or her behalf, shall be provided on print complaints. Complaints in audio, Braille, electronic, and/or video formats shall contain an affirmative identity statement of the individual, which for this purpose shall be considered to be functionally equivalent to a complainant's signature. Complaints filed on behalf of classes or third parties shall describe or identify (by name, if possible) the alleged victims of discrimination.

“Facility” means all or any portion of buildings, structures, equipment, roads, walks, parking lots, or other real or personal property.

“General Counsel” means the General Counsel of the Federal Communications Commission.

“Individual with a disability” means any individual who has a physical or mental impairment that substantially limits one or more major life activities, has a record of such an impairment, or is regarded as having such an impairment. As used in this definition, the phrase:

(1) “Physical or mental impairment” includes, but is not limited to, --

(i) Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: Neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genitourinary; hemic and lymphatic; skin; and endocrine;

(ii) Any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities;

(iii) Diseases and conditions such as orthopedic, visual, speech, and hearing impairments; cerebral palsy; epilepsy; muscular dystrophy; multiple sclerosis; cancer; heart disease; diabetes; mental retardation; emotional illness; and drug addiction and alcoholism.

(2) “Major life activities” include functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

(3) “Has a record of such an impairment” means has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities.

(4) “Is regarded as having an impairment” means--

(i) Has a physical or mental impairment that does not substantially limit major life activities but is treated by the Commission as constituting such a limitation;

(ii) Has a physical or mental impairment that substantially limits major life activities only as a result of the attitudes of others toward such impairment; or

(iii) Has none of the impairments defined in paragraph (1) of this definition but is treated by the Commission as having such impairment.

“Managing Director” means the individual delegated authority as described in 47 C.F.R. § 0.11.

“Programs or Activities” mean any activity of the Commission permitted or required by its enabling statutes, including but not limited to any licensing or certification program, proceeding, investigation, hearing, meeting, board or committee.

“Qualified individual with a disability” means--

(1) With respect to any Commission program or activity under which an individual is required to perform services or to achieve a level of accomplishment, an individual with a disability who, with or without reasonable modification to rules, policies, or practices or the provision of auxiliary aids, meets the essential eligibility requirements for participation in the program or activity and can achieve the purpose of the program or activity; or

(2) With respect to any other program or activity, an individual with a disability who, with or without reasonable modification to rules, policies, or practices or the provision of auxiliary aids, meets the essential eligibility requirements for participation in, or receipt of benefits from, that program or activity; or

(3) The definition of that term as defined for purposes of employment in 29 C.F.R. § 1630.2(m), which is made applicable to this part by § 1.1840.

“Section 504” means section 504 of the Rehabilitation Act of 1973, Pub.L. 93-112, 87 Stat. 394, 29 U.S.C. 794, as amended by the Rehabilitation Act Amendments of 1974, Pub.L. 93-516, 88 Stat. 1617, and the Rehabilitation, Comprehensive Services, and Developmental Disabilities Amendments of 1978, Pub.L. 95-602, 92 Stat. 2955, and the Rehabilitation Act Amendments of 1986, sec. 103(d), Pub.L. 99-506, 100 Stat. 1810. As used in this part, section 504 applies only to programs or activities conducted by Executive agencies and not to federally assisted programs.

“Section 504 Officer” is the Commission employee charged with overseeing the Commission’s section 504 programs and activities.

§ 1.1805 Federal Communications Commission Section 504 Programs and Activities Accessibility Handbook.

The Consumer & Governmental Affairs Bureau shall publish a “Federal Communications Commission Section 504 Programs and Activities Accessibility Handbook” (“Section 504 Handbook”) for Commission staff, and shall update the Section 504 Handbook as necessary and at least every three years. The Section 504 Handbook shall be available to the public in hard copy upon request and electronically on the Commission’s Internet website. The Section 504 Handbook shall contain procedures for releasing documents, holding meetings, receiving comments, and for other aspects of Commission programs and activities to achieve accessibility. These procedures will ensure that the Commission presents a consistent and complete accommodation policy pursuant to 29 U.S.C. § 794, as amended. The Section 504 Handbook is for internal staff use and public information only, and is not intended to create any rights, responsibilities, or independent cause of action against the Federal Government.

§ 1.1810 Review of compliance.

(a) The Commission shall, beginning in 2004 and at least every three years thereafter, review its current policies and practices in view of advances in relevant technology and achievability. Based on this review, the Commission shall modify its practices and procedures to ensure that the Commission’s programs and activities are fully accessible.

(b) The Commission shall provide an opportunity to interested persons, including individuals with disabilities or organizations representing individuals with disabilities, to participate in the review process by submitting comments. Written comments shall be signed by the commenter or by someone authorized to do so on his or her behalf. The signature of the commenter, or signature of someone authorized by the commenter to do so on his or her behalf, shall be provided on print comments. Comments in audio, Braille, electronic, and/or video formats shall contain an affirmative identity statement of the individual, which for this purpose shall be considered to be functionally equivalent to a commenter's signature.

(c) The Commission shall maintain on file and make available for public inspection for four years following completion of the compliance review --

- (1) A description of areas examined and problems identified;
- (2) All comments and complaints filed regarding the Commission's compliance; and
- (3) A description of any modifications made.

§ 1.1811 Notice.

The Commission shall make available to employees, applicants, participants, beneficiaries, and other interested persons information regarding the regulations set forth in this part, and their applicability to the programs or activities conducted by the Commission. The Commission shall make such information available to such persons in such manner as the Section 504 Officer finds necessary to apprise such persons of the protections against discrimination assured them by section 504.

§ 1.1830 General prohibitions against discrimination.

(a) No qualified individual with a disability shall, on the basis of disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity conducted by the Commission.

(b) Discriminatory actions prohibited.

(1) The Commission, in providing any aid, benefit, or service, may not, directly or through contractual, licensing, or other arrangements, on the basis of disability--

- (i) Deny a qualified individual with a disability the opportunity to participate in or benefit from the aid, benefit, or service;
- (ii) Afford a qualified individual with a disability an opportunity to participate in or benefit from the aid, benefit, or service that is not equal to that afforded others;
- (iii) Provide a qualified individual with a disability with an aid, benefit, or service that is not as effective in affording equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement as that provided to others;
- (iv) Provide different or separate aid, benefits, or services to individuals with disabilities or to any class of individuals with disabilities than is provided to others unless such action is necessary to provide qualified individuals with disabilities with aid, benefits, or services that are as effective as those provided to others;

(v) Deny a qualified individual with a disability the opportunity to participate as a member of planning or advisory boards; or

(vi) Otherwise limit a qualified individual with a disability in the enjoyment of any right, privilege, advantage, or opportunity enjoyed by others receiving the aid, benefit, or service.

(2) The Commission may not deny a qualified individual with a disability the opportunity to participate in any program or activity even where the Commission is also providing equivalent permissibly separate or different programs or activities for persons with disabilities.

(3) The Commission may not, directly or through contractual or other arrangements, utilize criteria or methods of administration--

(i) That have the purpose or effect of subjecting qualified individuals with disabilities to discrimination on the basis of disability; or

(ii) That have the purpose or effect of defeating or substantially impairing accomplishment of the objectives of a program or activity with respect to individuals with disabilities.

(4) The Commission may not, in determining the site or location of a facility, make selections--

(i) That have the purpose or effect of excluding individuals with disabilities from, denying them the benefits of, or otherwise subjecting them to discrimination under any program or activity conducted by the Commission; or

(ii) That have the purpose or effect of defeating or substantially impairing the accomplishment of the objectives of a program or activity with respect to individuals with disabilities.

(5) The Commission, in the selection of procurement contractors, may not use criteria that subject qualified individuals with disabilities to discrimination on the basis of disability.

(6) The Commission may not administer a licensing or certification program in a manner that subjects qualified individuals with disabilities to discrimination on the basis of disability, nor may the Commission establish requirements for the programs or activities of licensees or certified entities that subject qualified individuals with disabilities to discrimination on the basis of disability. However, the programs or activities of entities that are licensed or certified by the Commission are not, themselves, covered by this part.

(7) The Commission shall make reasonable modifications in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability, unless the Commission can demonstrate that making the modifications would fundamentally alter the nature of the program, service, or activity.

(c) This part does not prohibit the exclusion of persons without disabilities from the benefits of a program limited by Federal statute or Executive order to individuals with disabilities, or the exclusion of a specific class of individuals with disabilities from a program limited by Federal statute or Executive order to a different class of individuals with disabilities.

(d) The Commission shall administer programs and activities in the most integrated setting appropriate to the needs of qualified individuals with disabilities.

§ 1.1840 Employment.

No qualified individual with a disability shall, on the basis of disability, be subjected to discrimination in employment under any program or activity conducted by the Commission. The definitions, requirements and procedures of section 501 of the Rehabilitation Act of 1973, 29 U.S.C. § 791, as established by the Equal Employment Opportunity Commission in 29 C.F.R. Parts 1614 and 1630, as well as the procedures set forth in the Basic Negotiations Agreement Between the Federal Communications Commission and National Treasury Employees Union, as amended, and Subchapter III of the Civil Service Reform Act of 1978, 5 U.S.C. § 7121(d), shall apply to employment in federally conducted programs or activities.

§ 1.1849 Program accessibility: Discrimination prohibited.

(a) Except as otherwise provided in § 1.1850, no qualified individual with a disability shall, because the Commission's facilities are inaccessible to, or unusable, by individuals with disabilities, be denied the benefits of, be excluded from participation in, or otherwise be subjected to discrimination under any program or activity conducted by the Commission.

(b) Individuals shall request accessibility to the Commission's programs and facilities by contacting the Commission's Section 504 Officer. Such contact may be made in the manner indicated in the FCC Section 504 Handbook. The Commission will make every effort to provide accommodations requiring the assistance of other persons (*e.g.*, American Sign Language interpreters, communication access realtime translation (CART) providers, transcribers, captioners, and readers) if the request is made to the Commission's Section 504 Officer a minimum of five business days in advance of the program. If such requests are made fewer than five business days prior to an event, the Commission will make every effort to secure accommodation services, although it may be less likely that the Commission will be able to secure such services.

§ 1.1850 Program accessibility: Existing facilities.

(a) General. Except as otherwise provided in this paragraph, the Commission shall 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. This paragraph does not—

(1) Necessarily require the Commission to make each of its existing facilities accessible to and usable by individuals with disabilities;

(2) Require the Commission to take any action that it can demonstrate would result in a fundamental alteration in the nature of a program or activity, or in undue financial and administrative burdens. In those circumstances where Commission personnel believe that the proposed action would fundamentally alter the program or activity or would result in undue financial and administrative burdens, the Commission has the burden of proving that compliance with § 1.1850(a) would result in such alteration or burdens. The decision that compliance would result in such alteration or burdens must be made by the Managing Director, in consultation with the Section 504 Officer, after considering all Commission resources available for use in the funding and operation of the conducted 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, the Commission 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 and services of the program or activity.

(b) **Methods.** The Commission may comply with the requirements of this section through such means as the redesign of equipment, reassignment of services to accessible buildings, assignment of aides to beneficiaries, home visits, delivery of services at alternate accessible sites, alteration of existing facilities and construction of new facilities, or any other methods that result in making its programs or activities readily accessible to and usable by individuals with disabilities. The Commission is not required to make structural changes in existing facilities where other methods are effective in achieving compliance with this section. The Commission, in making alterations to existing buildings, shall meet accessibility requirements to the extent compelled by the Architectural Barriers Act of 1968, as amended (42 U.S.C. §§ 4151-4157), and any regulations implementing it. In choosing among available methods for meeting the requirements of this section, the Commission shall give priority to those methods that offer programs and activities to qualified individuals with disabilities in the most integrated setting appropriate.

(c) **Time period for compliance.** The Commission shall comply with the obligations established under this section within sixty (60) days of the effective date of this subpart, except that where structural changes in facilities are undertaken, such changes shall be made within three (3) years of the effective date of this part.

(d) **Transition plan.** In the event that structural changes to facilities will be undertaken to achieve program accessibility, the Commission shall develop, within six (6) months of the effective date of this subpart, a transition plan setting forth the steps necessary to complete such changes. The Commission 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 (both oral and written). A copy of the transitional plan shall be made available for public inspection. The plan shall, at a minimum--

- (1) Identify physical obstacles in the Commission's facilities that limit the accessibility of its programs or activities to individuals with disabilities;
- (2) Describe in detail the methods that will be used to make the facilities accessible;
- (3) 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 (1) year, identify steps that will be taken during each year of the transition period;
- (4) Indicate the official responsible for implementation of the plan.

§ 1.1851 Building accessibility: New construction and alterations.

Each building or part of a building that is constructed or altered by, on behalf of, or for the use of the Commission shall be designed, constructed, or altered so as to be readily accessible to and usable by individuals with disabilities. The definitions, requirements and standards of the Architectural Barriers Act, 42 U.S.C. §§ 4151-4157, as established in 41 C.F.R. §§ 101-19.600 to 101-19.607, apply to buildings covered by this section.

§ 1.1870 Compliance procedures.

(a) Except as provided in paragraph (b) of this section, this section applies to all allegations of discrimination on the basis of disability in programs or activities conducted by the Commission.

(b) The Commission shall process complaints alleging violations of section 504 with respect to employment according to the procedures established by the Equal Employment Opportunity Commission in 29 C.F.R. Part 1614 pursuant to section 501 of the Rehabilitation Act of 1973, 29 U.S.C. 791.

(c) Complaints alleging violation of section 504 with respect to the Commission's programs and activities shall be addressed to the Managing Director and filed with the Office of the Secretary, Federal Communications Commission, 445 12th Street, SW., Room TWB- 204, Washington, DC 20554.

(d) Acceptance of complaint.

(1) The Commission shall accept and investigate all complete complaints, as defined in section 1.1803 of this part, for which it has jurisdiction. All such complaints must be filed within one-hundred eighty (180) days of the alleged act of discrimination. The Commission may extend this time period for good cause.

(2) If the Commission receives a complaint that is not complete as defined in section 1.1803 of this part, the complainant will be notified within thirty (30) days of receipt of the incomplete complaint that additional information is needed. If the complainant fails to complete the complaint within thirty (30) days of receipt of this notice, the Commission shall dismiss the complaint without prejudice.

(e) If the Commission receives a complaint over which it does not have jurisdiction, it shall promptly notify the complainant and shall make reasonable efforts to refer the complaint to the appropriate government entity.

(f) The Commission shall notify the Architectural and Transportation Barriers Compliance Board upon receipt of any complaint alleging that a building or facility that is subject to the Architectural Barriers Act of 1968, as amended, 42 U.S.C. §§ 4151-4157, is not readily accessible to and usable by individuals with disabilities.

(g) Within one-hundred eighty (180) days of the receipt of a complete complaint, as defined in section 1.1803 of this part, for which it has jurisdiction, the Commission shall notify the complainant of the results of the investigation in a letter containing--

- (1) Findings of fact and conclusions of law;
- (2) A description of a remedy for each violation found; and
- (3) A notice of the right to appeal.

(h) Appeals of the findings of fact and conclusions of law or remedies must be filed by the complainant within ninety (90) days of receipt from the Commission of the letter required by § 1.1870(g). The Commission may extend this time for good cause.

(i) Timely appeals shall be accepted and processed by the Office of the Secretary, Federal Communications Commission, 445 12th Street, SW., Room TWB- 204, Washington, DC 20554.

(j) The Commission shall notify the complainant of the results of the appeal within sixty (60) days of the receipt of the appeal request. If the Commission determines that it needs additional information from the

complainant, and requests such information, the Commission shall have sixty (60) days from the date it receives the additional information to make its determination on the appeal.

(k) The time limits cited in (g) and (j) of this section may be extended with the permission of the General Counsel.

(l) The Commission may delegate its authority for conducting complaint investigations to other federal agencies, except that the authority for making the final determination may not be delegated to another agency.

APPENDIX B

12.



Federal Communications Commission

Section 504

Programs & Activities

Accessibility

Handbook

Federal Communications Commission · Consumer & Governmental Affairs Bureau
445 12th St. S.W. · Washington, DC 20554
1-888-CALL-FCC (1-888-225-5322) · TTY: 1-888-TELL-FCC (1-888-835-5322)
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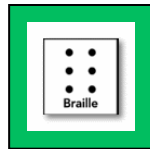
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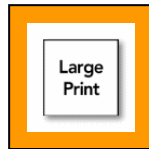
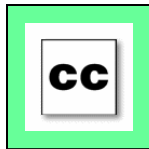
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The Rehabilitation Act of 1973, (Pub.L. 93-112, 87 Stat. 394, 29 U.S.C. 794, as amended by the Rehabilitation Act Amendments of 1974, Pub.L. 93-516, 88 Stat. 1617, and the Rehabilitation, Comprehensive Services, and Developmental Disabilities Amendments of 1978, Pub.L. 95-602, 92 Stat. 2955, and the Rehabilitation Act Amendments of 1986, sec. 103(d), Pub.L. 99-506, 100 Stat. 1810) creates specific causes of action for persons who are aggrieved by discriminatory treatment as defined in the Act. This Handbook is intended to guide implementation of the Federal Communications Commission’s responsibilities under Section 504 of the Rehabilitation Act. It is for internal staff use and public information only, and is not intended to create any rights, responsibilities, or independent cause of action against the Federal Government.





I. INTRODUCTION





1. SECTION 504 HANDBOOK

The *Federal Communications Commission Section 504 Programs & Activities Accessibility Handbook (Section 504 Handbook)* is a collection of guidelines, information, and procedures to ensure that the Commission is accessible to individuals with disabilities. The content of this handbook is designed to assist Commission personnel in their efforts to provide such accessibility.

The FCC is committed to fostering an attitude of inclusion and a commitment to access that will permeate all Commission programs and activities. While certain aspects of providing access for people with disabilities can be clearly visible (sign language interpreters, ramps, and braille documents), other aspects may easily pass unnoticed (descriptions of humorous decorations on birthday cakes to colleagues who are blind so they can join in the fun, or remembering to stand facing co-workers who are hard of hearing so that they can speechread/lipread¹ more easily).

It would be impossible to list all the aspects of the Commission's work that may require reasonable accommodation to assure access, but the following sections can provide general guidance and reminders to help keep accessibility in the forefront of our awareness so that the Commission's programs and activities will be accessible to everyone.

¹ While many people still use the word "lipreading," experts consider it to be inaccurate. Speechreading is the more appropriate term for the process of understanding speech through visual perception of spoken language. For more information on speechreading see the Gallaudet University Rehabilitation Engineering Research Center (RERC) on Hearing Enhancement at <http://www.hearingresearch.org/Dr.Ross/speechreading.htm> (visited 12/3/02).





2. BASIC PRINCIPLES OF ACCESS

The starting point for providing access is simple courtesy and common sense. If an overarching goal of the Commission is to ensure that all interested individuals with disabilities have access to the Commission's programs and activities, then the means for providing access is only a matter of mechanics – matching the solution to the need. It is when people with disabilities are overlooked as potential or actual consumers that barriers are raised. And, ironically, it is these, often unconscious, barriers that can be the hardest to overcome. Remembering the following principles when planning and implementing Commission activities and programs can help keep access in our consciousness:

- The Commission, its programs, and activities **MUST** be accessible. This is mandated by statute and by FCC rules.²
- When meetings or events are scheduled, the event planner, or person calling the meeting, is responsible for assuring accessibility. The Commission's Section 504 Officer is available for consultation and can assist in determining accessibility needs.
- Individuals attending events or meetings who need reasonable accommodations must inform the meeting/event planner of their needs. However, it is the meeting/event planner's obligation to announce events with sufficient lead time to give attendees an opportunity to ask for such accommodations.
- Individuals with disabilities are the best sources of information regarding the accommodations they will need. If you are unsure of what to do, ask the person with a disability about his or her preferences.

² Rehabilitation Act as amended, section 501, 29 U.S.C. § 791; section 503, 29 U.S.C. § 793; section 504, 29 U.S.C. § 794; section 508, 29 U.S.C. § 794d. Enforcement of Non-discrimination on the Basis of Handicap in Programs or Activities Conducted by the Federal Communications Commission, 42 U.S.C. §§ 12101 *et seq.*





3. Section 504 of the Rehabilitation Act³

Section 504 of the Rehabilitation Act of 1973 as amended is the legislation that prohibits federal agencies, and other program and activities receiving federal financial assistance, from discriminating against individuals with disabilities.⁴ It is therefore this legislation that most directly affects the FCC.

The Rehabilitation Act is sometimes confused with the Americans with Disabilities Act (ADA)⁵ 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.^{6, 7}

³ The FCC Order implementing Section 504 can be found in the Appendix of this document. It includes definitions of terms and rules governing access to the Commission's programs and activities.

⁴ 29 U.S.C. § 794.

⁵ 42 U.S.C. § 12101 *et seq.*

⁶ U.S. Department of Justice, Civil Rights Division, Disability Rights Section, "A Guide to Disability Rights Laws," <http://www.usdoj.gov/crt/ada/cguide.htm> (visited 11/1/02).

⁷ For more information see "Disability Rights Laws" beginning on page 64 of this *Handbook*.





4. DISABILITY RIGHTS MOVEMENT

Disability

The American disability rights movement was a catalyzing factor in the emergence of current disability rights legislation. The Smithsonian Institution's National Museum of American History maintains a Virtual Exhibition featuring the history of the disability rights movement in the United States. The following text comes from their display, "Disability Rights Movement"⁸ and provides a concise summary of the movement and issues that led to present day legislation.

The Disability Rights Movement

The ongoing struggle by people with disabilities to gain full citizenship is an important part of our American heritage. The disability rights movement shares many similarities with other 20th-century civil rights struggles by those who have been denied equality, independence, autonomy, and full access to society.

Self Definition and Autonomy

Historically, disabled people have been forced into dependency. Others would speak for them, label them, and take care of them -- often with the best intentions. As a result of 20th-century developments in biotechnical medicine, by the 1950s, more and more people survived formerly fatal injuries and diseases. Efforts by this growing population of military veterans and young adults to participate fully in society gained momentum.

They were energized by the struggles of African Americans. Both groups have confronted numerous stereotypes in their quest for equality, inclusion in public affairs, and sometimes the right simply to live.

Parents Organize

By the 1940s and 1950s, parent activists had organized to fight for education and services for children with disabilities. When these children grew up, they demanded to be treated as adults, with all the rights and responsibilities granted to other citizens. Their new disability rights movement has sought to overcome discrimination and, sometimes, their own parents' fears and overly protective attitudes.

⁸ Excerpted with compiler edits from Smithsonian Institution, National Museum of American History, Virtual Exhibitions, "The Disability Rights Movement," <http://americanhistory.si.edu/disabilityrights/> (visited 11/1/02).





DISABILITY AND DISABILITY LAWS -- “Disability Rights Movement” (continued)

The Role of Technology

Like efforts organized to break [other] barriers...the disability rights movement has resulted from people coming together in ways that allow them to compare experiences and forge relationships. For the community with disabilities, this has taken place primarily in centers for independent living, which started in the 1970s, and via the Internet since the 1990s.

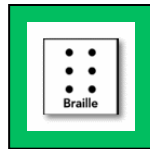
Crucial to the movement’s success is access to information and communication through technologies such as telecaptioners, TTY devices for telephones, voice-recognition systems, voice synthesizers, screen readers, and computers.

Mobility

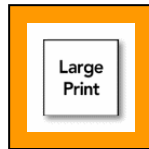
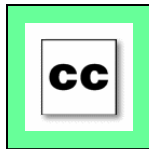
The disability civil rights movement had to not only overcome prejudice, but also physical barriers that limit access to employment and inclusion in other aspects of daily life.

Activists successfully lobbied for laws that required curb-cuts, ramps, and buses with wheelchair lifts. This in turn increased the possibility of economic and social mobility. In the 1970s and 1980s, a growing population of consumers with mobility impairments fueled demand for wheelchairs and scooters to match their active lives. At the same time, barrier-free designs have brought a new aesthetic to public spaces.





II. ACCESSIBILITY AND THE FCC





1. TYPES OF ACCESS REQUESTED

For purposes of the Section 504 Handbook, accessibility refers to the ability of people with disabilities to “participate in, and enjoy the benefits of, programs or activities conducted by the Commission.”¹⁷ For general information on disabilities and access, contact the Commission’s Section 504 Officer.¹⁸

The accessibility requests we receive, from both the public and FCC staff, tend to fall into the following categories:

Access for people with mobility impairments

Since the Portals II building is accessible, people with mobility impairments are generally able to move throughout the building as they wish. When planning meetings, however, if you are expecting participants who use wheelchairs, scooters, canes, crutches, or other mobility aids, make sure that the aisles between chairs and/or tables are wide enough to allow comfortable passage.

If your meeting is to take place at a table, make sure that there is room for a wheelchair or scooter to pull up. This can be easily accomplished by removing one or two chairs and leaving the space open.

Access for people who are blind or have low vision

People who are blind or have low vision may request a variety of accommodations. The type of accommodation requested depends upon the nature of the material requested, the type and severity of the visual impairment, and personal preferences.

In-house, the Commission is able to produce text documents in large print,¹⁹ electronic formats,²⁰ braille,²¹ and some audio formats.²² Requests for other formats, such as

¹⁷ 47 C.F.R. § 1.1803.

¹⁸ For specific contact names, phone numbers, and e-mail addresses, see page 45 of this *Handbook*.

¹⁹ For more information see page 13 of this *Handbook*.

²⁰ The Commission’s Accessible Format Specialist can provide documents in ASCII or MSWord format.

²¹ For more information see page 99 of this *Handbook*.

²² The Commission’s Accessible Format Specialist can provide documents in RealAudio or MP3 format.





conversion of graphics into tactilely accessible media or for video description,²³ are often sent to outside contractors.

ACCESSIBILITY DEFINED – Types of Access Requested – Access for people who are deaf or hard of hearing (continued)

Access for people who are deaf or hard of hearing

Generally, people who are deaf or hard of hearing request assistive listening devices,²⁴ captioning,²⁵ CART²⁶ (Communication Access Realtime Translation – similar to captioning but confined to a laptop or projection screen), or sign language interpreters.²⁷

The Commission is equipped with fixed FM assistive listening systems in the Commission Meeting Room and in Conference Room 1 on the 8th floor. In addition, there are 2 portable FM systems that can be used throughout the building and at remote locations. The systems are outfitted with microphones, earphones, and neckloops.²⁸

Captioning, CART, and sign language interpreters are services that are frequently contracted from outside vendors. In the DC area, such services are widely used with demand often out-stripping supply. As much advance notice as possible is needed to assure that appropriate services can be acquired. The Commission also has several sign language interpreters on staff who assist in making Commission events accessible.

People who are deaf or hard of hearing may use other accommodations such as oral interpreters,²⁹ cued speech transliterators,³⁰ tactile interpreters,³¹ and notetakers,³² but these services are rarely requested at the Commission.

²³ For more information see pages 71 & 97 of this *Handbook*.

²⁴ For more information see page 86 of this *Handbook*.

²⁵ For more information see page 89 of this *Handbook*.

²⁶ For more information see page 88 of this *Handbook*.

²⁷ For more information see page 82 of this *Handbook*.

²⁸ The microphones used with the portable systems transmit only to the assistive listening devices; they will not provide amplification to the room. For more information on assistive listening devices, see page 86.

²⁹ Some people who are deaf or hard of hearing do not use sign language. They understand speech by watching a person's face, body language, and lips. Oral interpreters are skilled in techniques of mouthing words clearly and effectively. For more information on oral interpreting, see the Registry of Interpreters for the Deaf at <http://www.rid.org/128.pdf> (visited 11/27/02).





ACCESSIBILITY DEFINED – Types of Access Requested (continued)

Access for people with speech disabilities

Speech disabilities can be genetically linked or can result from accident, injury, or illness. The severity and type of speech disability can vary dramatically as can the communication modes individuals choose to use. Some people with speech disabilities choose to speak for themselves while others opt for using a re-voicer,³³ communication board,³⁴ artificial larynx,³⁵ speech output device,³⁶ or other assistive technology to help them be understood.

(...continued from previous page)

³⁰ Cued Speech is a phonetically based visual communication system; it is not, however, a form of sign language. In English, Cued Speech transliterators employ 8 handshapes in 4 different locations near the mouth to represent sounds used in spoken language. It is generally used as an adjunct to speechreading. For more information, see the National Cued Speech Association at <http://www.cuedspeech.org/> (visited 12/2/02).

³¹ People who are deaf-blind generally receive information tactilely, i.e., through touch. Tactile interpreters convey information using various methods, but always in a way that relies on touch. Methods employed by tactile interpreters include using sign language (with the person who is deaf-blind resting one or both hands on the interpreters hands or wrists), using fingers to trace the letters of words in the palm of the person who is deaf-blind, and using the manual alphabet to spell words into the hand of the person who is deaf-blind. For more information on deaf-blindness, see the National Information Clearinghouse on Children Who are Deaf-Blind at <http://www.tr.wou.edu/dblink/biblio.htm> (visited 12/2/02).

³² Notetakers are people who take notes for individuals who are deaf or hard of hearing. Notetakers may be needed because people with significant hearing loss must look at speakers or interpreters to understand what is being said. As a result, each time they look down to record a comment, they miss information being presented.

³³ A re-voicer is a person who listens to what an individual with a speech disability says, and then repeats it in clear speech.

³⁴ A communication board can be either manual or electronic. It displays letters, pictures, and/or words. Individuals communicate by pointing to the images or words.

³⁵ An artificial larynx is a device designed to allow an individual without a larynx to speak intelligibly. While artificial larynx design may vary, the purpose remains the same – to produce the vibrations necessary for speech.

³⁶ Speech output devices produce computer generated speech and vary in appearance and design. They are essentially computers with speakers that include a means, such as a keyboard or touch screen/pad, for selecting the words or phrases the user would like the computer to vocalize. These devices are frequently grouped under the term, augmentative and
(continued....)





Regardless of the severity of disability or the method of communication, patience and careful listening are of paramount importance. When talking with people who have speech disabilities, do not pretend to understand what they are saying. Allow people to complete their thoughts; do not presume to end sentences for them. If you

ACCESSIBILITY DEFINED – Types of Access Requested – Access for people with speech disabilities (continued)

do not understand what has been said, admit it and ask for a repetition. If you are unsure, but think you understand part of what has been said, repeat what you thought you heard and ask for confirmation.

Access for people with other disabilities

Most of the disabilities encountered at the FCC fall into the four categories discussed above. However people may have other disabilities or combinations of disabilities. When encountering people with any type of disability, but particularly when it is a form of disability new to you, remember to focus on the **person** first, not his or her disability. Use courtesy and common sense and ask the person with a disability for his or her advice on how to proceed.

(...continued from previous page)

alternative communication (AAC). For more information on AAC, see the AAC Institute's research paper at <http://www.aac institute.org/Resources/MethodsandTools/2002rateindex/paper.html> (visited 12/3/02).





2. CONSIDERATIONS FOR PHYSICAL ACCESS

Buildings / Rooms / Hallways

In most cases, federal buildings adhere to the UFAS (Uniform Federal Accessibility Standards) guidelines established by the Architectural and Transportation Barriers Compliance Board (Access Board).³⁷ The UFAS “sets standards for facility accessibility by physically handicapped persons for Federal and federally-funded facilities. These standards are to be applied during the design, construction, and alteration of buildings and facilities to the extent required by the Architectural Barriers Act of 1968, as amended.”³⁸

Beyond the structural design elements of access, there are practical, everyday decisions that Commission staff can make to assure optimal physical access to FCC programs and activities. Among the considerations that should be kept in mind are the following:

- Keep aisles and doorways clear. Do not block pathways with boxes, furniture or other obstacles.
- When arranging meeting rooms or seating areas, be sure to allow aisles between tables and/or chairs that are wide enough to permit easy passage for wheelchairs, scooters, and people using other mobility aids.
- When placing chairs in pre-arranged seating arrangements, include gaps in the seating plan to allow space for people who use wheelchairs or scooters.
- If accommodations that require user activation are installed in the building -- for example, chair lifts that require keys to operate them -- make sure that the key or other means of activation is easily available for users with disabilities. It does little good to have a lift installed if the key that is required to operate it is in an office on the other side of the lift! Keep in mind that lifts and other similar aids must be easily accessible in both directions, i.e., “coming” and “going.”
- Do not assume that all people with similar disabilities will want identical accommodations. If you are unsure of what to do, ask the person with a disability for guidance.

3. CONSIDERATIONS FOR INFORMATION ACCESS

³⁷ The Access Board, Accessibility Guidelines and Standards, *Uniform Federal Accessibility Standard (UFAS)*, <http://www.access-board.gov/ufas/ufas-html/ufas.htm> (visited 11/1/02).

³⁸ *Id.*, Section 1 “Purpose.”





Forms / Public information / Complaints / Media, etc.

When developing forms, publications, press releases, solicitations for consumer input, or other information gathering or disseminating tools and processes, be sure to consider the accessibility of both the content and the medium you elect to use.

- Choose a font style and size that is easy to read.³⁹

There are no hard and fast rules guiding the selection of font styles and sizes. In fact, publication manuals and guidelines vary dramatically in their rules and preferences. There is, however, some general agreement on the following principles:

- For print documents, serif fonts are easier to read. Serif fonts have little “feet” attached to each letter; Times New Roman is an example of a serif font.⁴⁰
 - For electronic displays, sans serif fonts are easier to read. Sans serif fonts lack the little “feet” attached to each letter; Arial is an example of a sans serif font.⁴¹
 - For large print, the size of type required will vary with the needs of the reader. For generically produced large print, a font size of 16 to 18 is preferred.⁴²
- Use high contrast colors when possible. It may be difficult for people with low vision to see information that is presented in colors that do not contrast strongly.

CONSIDERATIONS FOR INFORMATION ACCESS (continued)

- Remember that approximately 7% of all males have some form of red-green colorblindness; this condition only affects .4% of women. For many people with

³⁹ For additional guidelines, see, NASA Glenn Research Center: Usability Research Team, Design Guidelines, “Text, Fonts and Readability,” <http://www.grc.nasa.gov/WWW/usability/textfontcss.html> (visited 11/19/02).

⁴⁰ UCSB Linguistics, People, Linguistics faculty, Susanna Cumming: Guides, “Word for Linguists,” “Typography,” “Basic Typographical Principles,” <http://www.linguistics.ucsb.edu/faculty/cumming/WordForLinguists/Typography.htm> (visited 11/19/02).

⁴¹ NASA Glenn Research Center: Usability Research Team, Design Guidelines, “Text, Fonts and Readability,” <http://www.grc.nasa.gov/WWW/usability/textfontcss.html> (visited 11/19/02).

⁴² Lighthouse International, Vision Resources, Low Vision, “Making Text Visible: Designing for People with Partial Sight.” http://www.lighthouse.org/print_leg.htm (visited 11/18/02).





this disorder, red and green look essentially alike.⁴³ Keep this in mind when designing color documents.⁴⁴

- Remember to include an accessibility statement in any documents you disseminate. For further guidance, see the “Disseminating News Releases, Public Notices, Texts, and Other Documents” section of this Handbook beginning on page 32.
- Existing documents that are not in accessible format for either the public (e.g., those mentioned above) or staff (e.g., personnel records, Federal forms), must be made accessible for people with disabilities upon request.

If a person with a disability contacts you asking for assistance with Commission information or resources, help them to the best of your ability. If you find that you are unable to satisfy their need, and the request is **not related to web access**, ask them to send an e-mail to: fcc504@fcc.gov or contact the Commission’s Section 504 Officer.⁴⁵

For further guidance on **web accessibility** and information disseminated via the **internet**, contact the Commission’s Section 508 Officer.⁴⁶

⁴³ *Seeing, Hearing and Smelling the World: A Report from the Howard Hughes Medical Institute*, “Breaking the Code of Color: Color Blindness: More Prevalent Among Males,” <http://www.hhmi.org/senses/b130.html> (visited 11/1/02).

⁴⁴ Lighthouse International, Vision Resources, Low Vision, “Effective Color Contrast: Designing for People with Partial Sight and Color Deficiencies,” (visited 11/18/02).

⁴⁵ For specific contact names, phone numbers, and e-mail addresses, see page 45 of this *Handbook*.

⁴⁶ *Id.*





4. CONSIDERATIONS FOR STAFF ACTIVITIES

Office parties / Holiday celebrations / Federally recognized employee organizations⁴⁷ / etc.

Remember that people with disabilities are also members of the FCC staff.⁴⁸ All programs or activities should be planned with an eye to ensuring access for anyone who would like to attend.

- When disseminating FCC generated notices, distributing flyers, or making posters, be sure to include an accessibility statement. Remember that the “host” of the event assumes responsibility for arranging for accommodations for people with disabilities. For further guidance, see the “Meetings, Documents, Training” section of this Handbook on pages 21-39.
- When broadcast messages are sent via voice mail system, make sure the information is shared with staff members who are deaf or hard of hearing.

⁴⁷ Federally recognized employee organizations include groups such as BIG (Blacks in Government) and FAPAC (Federal Asian Pacific American Council).

⁴⁸ Access for federal employees with disabilities is addressed in Section 501 of the Rehabilitation Act, 29 U.S.C. § 791, and implementing regulation, 29 C.F.R. §1614.203. The Commission’s Office of Workplace Diversity has responsibility for Section 501 issues.





5. CONSIDERATIONS FOR SAFETY

Building Evacuation

- Remember that people who are deaf or hard of hearing may not be able to hear broadcasts over the public address system or verbal instructions from building monitors or security officers. Rumors or instructions passed by word of mouth are also likely to be missed by a person who is deaf or hard of hearing. If you know of someone in your area who is deaf or hard of hearing, make sure that you pass along information about emergency situations.
- Remember that people who are blind cannot see you. Before attempting to help people who are blind, introduce yourself and ask them if they would like assistance. If they accept your offer of help, allow them to take your arm; do not push or drag them along with you. If you are uncertain about what to do, ask the person how they would like to proceed.
- People who have low vision have varying levels of sight -- some may be able to discern shapes, others may only be able to identify areas that are light or dark, still others may have tunnel vision, or may be able to see only in areas with bright lighting. Before helping someone who appears to have vision problems, ask if they would like help. If they accept your offer of assistance, ask the person how they would like to proceed.
- There are established procedures for evacuating people who have significant mobility impairments. Evacuation chairs and trained personnel are strategically located throughout the building. During an emergency, contact one of the safety monitors stationed in the elevator lobbies if such services are needed. Consult the *Emergency Evacuation Procedures* document on the FCC intranet (<http://intranet.fcc.gov/>) for more detailed instructions.

Security Issues

- When giving directions in emergency or high stress situations, do not assume that people who are non-responsive are being uncooperative.
 - People who are deaf or hard of hearing may be unable to hear spoken instructions. Even people who have substantial residual hearing may have difficulty hearing instructions coming from behind them or orders given in areas with background noise such as fire alarms or the chatter from crowds of people.

CONSIDERATIONS FOR SAFETY-- Security issues (continued)

- People who are blind or have low vision may not see gestures or other visual cues indicating where they should go or what they should do.
- When going through standard security screening procedures in the Portals II building, it is helpful to inform people who are blind of the process they are about to experience. Give





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verbal cues as to where to place items for inspection and how to pass through the metal detectors.

- Remember that some people with disabilities have assistive devices that are not easily removed. Some devices, such as cochlear implants to improve hearing or metal rods to strengthen bones, are surgically implanted and cannot be taken off or detached. Be aware that such devices may set off metal detectors and be prepared to use courtesy and good judgment in dealing with such situations.





6. CONSIDERATIONS FOR CONTRACTING AND ACQUISITIONS

Contracting / Acquisitions / Services / Equipment, etc.

All of the Commission's programs and activities must be accessible to people with disabilities. This includes programs and activities offered by the Commission through contracts or other arrangements.⁴⁹ Agreements between the Commission and other entities for the provision of programs or activities should be carefully written to ensure that access for people with disabilities is explicitly required in the statement of work.

⁴⁹ 47 C.F.R. § 1.1830(b)(3)-(6).



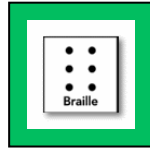


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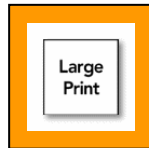
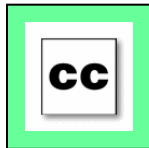


III.

MEETINGS

DOCUMENTS

TRAINING





1. INTERNAL FCC MEETINGS

If your meeting is open to all FCC staff...

AND is scheduled in the Commission Meeting Room...

- **Be sure that you arrange for captioning.** Meetings intended for all Commission staff, scheduled in the Commission Meeting Room, should be captioned. Contact the Commission Audio Visual Center,⁵⁰ Office of Media Relations, to arrange for captioning services. Be sure to allow as much lead time as possible. Captioning services are in high demand and may not be available without sufficient notice.⁵¹
- **Include a reasonable accommodation statement** in all announcements and publicity, including all invitations, flyers, posters, e-mails, advertisements, etc.

Model statement:

Reasonable Accommodations

Open captioning will be provided for this event. Other reasonable accommodations for people with disabilities are available upon request. Include a description of the accommodation you will need including as much detail as you can. Also include a way we can contact you if we need more information. Make your request as early as possible; please allow at least 5 days advance notice. Last minute requests will be accepted, but may be impossible to fill. Send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau:

For sign language interpreters, CART, and other reasonable accommodations: 202-418-0530 (voice), 202-418-0432 (tty)

For accessible format materials (braille, large print, electronic files, and audio format): 202-418-0531 (voice), 202-418-7365 (tty)

- **Make sure that your first public announcement is released at least one full week in advance.**

⁵⁰ For specific contact names, phone numbers, and e-mail addresses, see page 45 of this *Handbook*.

⁵¹ If services have already been arranged for a meeting that must be rescheduled, please notify the Audio Visual Center staff as soon as possible. The Commission is obligated to pay in full for services canceled without appropriate advanced notice.





INTERNAL FCC MEETINGS (continued)

If your meeting is open to all FCC staff...

AND is scheduled for a location other than the Commission Meeting Room

- **Include a reasonable accommodation statement** in all announcements and publicity, including all invitations, flyers, posters, e-mails, advertisements, etc.

Model statement:

Reasonable Accommodations

Reasonable accommodations for people with disabilities are available upon request. Include a description of the accommodation you will need including as much detail as you can. Also include a way we can contact you if we need more information. Please allow at least 5 days advance notice; last minute requests will be accepted, but may be impossible to fill. Send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau:

For sign language interpreters, CART, and other reasonable accommodations: 202-418-0530 (voice), 202-418-0432 (tty)

For accessible format materials (braille, large print, electronic files, and audio format): 202-418-0531 (voice), 202-418-7365 (tty)

- **Make sure that your first public announcement is released at least one full week in advance.**





INTERNAL FCC MEETINGS (continued)

If your meeting is for a limited FCC audience... (division meeting, internal task force, committee, etc.)

AND you know the attendees

Be sure to request accommodations⁵² (e.g., captioning, accessible formats, sign language interpreters, etc.) you know will be needed as far in advance as possible.

AND you DON'T know the attendees

- **Include a reasonable accommodation statement** in your invitation or announcement.

Model statement:

Reasonable Accommodations

Reasonable accommodations for people with disabilities are available upon request. Include a description of the accommodation you will need including as much detail as you can. Also include a way we can contact you if we need more information. Make your request as early as possible; please allow at least 5 days advance notice. Last minute requests will be accepted, but may be impossible to fill. Send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau:

For sign language interpreters, CART, and other reasonable accommodations: 202-418-0530 (voice), 202-418-0432 (tty)

For accessible format materials (braille, large print, electronic files, and audio format): 202-418-0531 (voice), 202-418-7365 (tty)

- **Make sure that your first public announcement is released at least one full week in advance.**

⁵² For specific contact names, phone numbers, and e-mail addresses, see page 45 of this *Handbook*.





INTERNAL FCC MEETINGS (continued)

If your meeting requires pre-registration...

- Be sure your registration form includes an option for requesting accommodations.

Model accommodation request section:

Reasonable Accommodations

I need the following reasonable accommodation:

- Accessible Format (Please specify below)
 - Audiocassette (analog)
 - Braille
 - Large Print
 - Digital Audio Recording
 - Please circle one: 3.5" Floppy Disk, CD, E-mail attachment
 - Please circle one: MP3, RealAudio
 - Digital Text
 - Please circle one: 3.5" Floppy Disk, CD, E-mail attachment
 - Please circle one: ASCII, MSWord
 - Other (Please specify) _____
- Sign Language Interpreter
- CART (Communication Access Realtime Translation)
- Assistive Listening Device
- Other (please specify) _____

- **As soon as a request for accommodation is received**, consult the chart on page 45 of this Handbook and **forward the request to the appropriate person**.
- **Make sure that your first public announcement is released at least one full week in advance.**





2. MEETINGS WITH NON-FCC ATTENDEES

If your meeting is a Commission Open Meeting...

- **Display open captioning on both screens in the Commission Meeting Room, the hallway monitors, the internet webcast, and the Commission's closed circuit television broadcast.**⁵³ Contact the Commission Audio Visual Center,⁵⁴ Office of Media Relations, to arrange for captioning services.
- **Provide Sign language interpreters.**⁵⁵ The interpreters will be expected to interpret for the duration of the proceedings regardless of whether deaf attendees are readily identified. Interpreters are not required to interpret for the Press Conference following the Open Meeting UNLESS they are requested to do so by a deaf consumer or by Commission staff.
- **Supply agendas in both braille and large print.**⁵⁶
- **Note in the Sunshine Notice that the above accommodations** will be provided and indicate how other accommodations can be acquired.

Model notice:

Reasonable Accommodations

The meeting site is fully accessible to people using wheelchairs or other mobility aids. Meeting agendas and handouts will be provided in accessible formats; sign language interpreters, open captioning, and assistive listening devices will be provided on site. The meeting will be webcast with open captioning [note web address]. Request other reasonable accommodations for people with disabilities as early as possible; please allow at least 5 days advance notice. Include a description of the accommodation you will need including as much detail as you can. Also include a way we can contact you if we need more information. Last minute requests will be accepted, but may be impossible to fill. Send an e-mail to: fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

- **Make sure that your first public announcement is released at least one full week in advance.**

⁵³ With advance notice to the Audio Visual Center, FCC staff can request that captioned text of an event be saved in MSWord format for use as reference material. Such text files are generally distributed by the Audio Visual Center staff within 2 business days of the event and are intended for internal use.

⁵⁴ For specific contact names, phone numbers, and e-mail addresses, see page 45 of this *Handbook*.

⁵⁵ *Id.*

⁵⁶ *Id.*





MEETINGS WITH NON-FCC ATTENDEES (continued)

If your meeting is a public meeting with no pre-registration required...

- **Be sure that you arrange for captioning.** Meetings open to the general public, scheduled in the Commission Meeting Room, should be captioned. Meeting planners should contact the Audio Visual Center,⁵⁷ Office of Media Relations, to arrange for captioning services. Be sure to allow as much lead time as possible. Captioning services are in high demand and may not be available without sufficient notice.⁵⁸
- **Include a reasonable accommodation statement** in all announcements and publicity, including all invitations, flyers, posters, e-mails, advertisements, etc.

Model statement:

Reasonable Accommodations

Open captioning will be provided for this event. Other reasonable accommodations for people with disabilities are available upon request. Include a description of the accommodation you will need including as much detail as you can. Also include a way we can contact you if we need more information. Make your request as early as possible; please allow at least 5 days advance notice. Last minute requests will be accepted, but may be impossible to fill. Send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau:

For sign language interpreters, CART, and other reasonable accommodations: 202-418-0530 (voice), 202-418-0432 (tty)

For accessible format materials (braille, large print, electronic files, and audio format): 202-418-0531 (voice), 202-418-7365 (tty)

- **Make sure that your first public announcement is released at least one full week in advance.**
- **Notify the Security Operations Center⁵⁹ if you expect visitors with disabilities**
Advance notice allows the Operations Center to assign sufficient security staff to screen visitors. It also allows security officers to prepare themselves for alternative communication modes and reminds them to expect visitors with assistive devices that may require special handling when going through metal detectors.

⁵⁷ For specific contact names, phone numbers, and e-mail addresses, see page 45 of this *Handbook*.

⁵⁸ If services have already been arranged for a meeting that must be rescheduled, please notify the Audio Visual Center staff as soon as possible. The Commission is obligated to pay in full for services canceled with less than 48 hours notice.

⁵⁹ For specific Security contact names, phone numbers, and e-mail addresses, see page 46 of this *Handbook*.





MEETINGS WITH NON-FCC ATTENDEES (continued)

If your meeting is open to a limited public audience...

AND you know the attendees

Be sure to request accommodations⁶⁰ (e.g., captioning, accessible formats, sign language interpreters, etc.) you know will be needed as far in advance as possible.

AND you DON'T know the attendees

- Include a reasonable accommodation statement in your invitation or announcement.

Model statement:

Reasonable Accommodations

Reasonable accommodations for people with disabilities are available upon request. Include a description of the accommodation you will need including as much detail as you can. Also include a way we can contact you if we need more information. Make your request as early as possible; please allow at least 5 days advance notice. Last minute requests will be accepted, but may be impossible to fill. Send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau:

For sign language interpreters, CART, and other reasonable accommodations: 202-418-0530 (voice), 202-418-0432 (tty)

For accessible format materials (braille, large print, electronic files, and audio format): 202-418-0531 (voice), 202-418-7365 (tty)

- **Make sure that your first public announcement is released at least one full week in advance.**
- **Notify the Security Operations Center⁶¹ if you expect visitors with disabilities.** Advance notice allows the Operations Center to assign sufficient security staff to screen visitors. It also allows security officers to prepare themselves for alternative communication modes and reminds them to expect visitors with assistive devices that may require special handling when going through metal detectors.

⁶⁰ For specific contact names, phone numbers, and e-mail addresses, see page 45 of this *Handbook*.

⁶¹ For specific Security contact names, phone numbers, and e-mail addresses, see page 46 of this *Handbook*.





MEETINGS WITH NON-FCC ATTENDEES (continued)

If your meeting focuses on issues you expect to be of interest to people with disabilities...

- **Display open captioning on both screens in the Commission Meeting Room, the hallway monitors, the internet webcast, and the Commission’s closed circuit television broadcast.**⁶² Contact the Commission Audio Visual Center,⁶³ Office of Media Relations, to arrange for captioning services.
- **Supply agendas and handouts produced in braille and large print.**⁶⁴
- **Sign language interpreters.**⁶⁵ At the beginning of the event, if you are unsure whether deaf consumers are in attendance, consult with the interpreters to see if they are aware of any deaf attendees. If they are also unsure, make an announcement from the podium noting that interpreters are available and inquiring if there are any attendees who wish to use their services. Naturally, the interpreter will be expected to interpret this announcement. If no consumers indicate a need, the interpreter may retire to an agreed upon location to await any subsequent request. If a registration desk is used, it is an ideal place for the interpreters to sit, identified with a sign reading: Sign Language Interpreters. Late arrivers will then have the opportunity to note the availability of interpreters while they are signing in. If there is no registration desk, then position the interpreters near the entrance to the meeting room or in some other highly visible area.

Sample wording for announcement of interpreter availability:

Sign language interpreters are available for this meeting. Although we have had no requests for interpreting services, we would like to make sure that we are meeting the needs of all attendees. If there is anyone currently in attendance who needs the services of an interpreter, please so indicate to the interpreter. [pause for response]

Thank you. [continue with meeting content]

- **The Public Notice should note that the above accommodations** will be provided and should indicate how other accommodations can be acquired.

⁶² If services have already been arranged for a meeting that must be rescheduled, please notify the Audio Visual Center staff as soon as possible. The Commission is obligated to pay in full for services canceled without appropriate advanced notice.

⁶³ For specific contact names, phone numbers, and e-mail addresses, see page 45 of this *Handbook*.

⁶⁴ For more information on media used during presentations, see the section on “Hosting Accessible Meetings and Events -- Audio and Visual Media” beginning on page 35 of this *Handbook*. For specific contact names, phone numbers, and e-mail addresses, see page 45 of this *Handbook*.

⁶⁵ For specific contact names, phone numbers, and e-mail addresses, see page 45 of this *Handbook*.





MEETINGS WITH NON-FCC ATTENDEES -- If Your Meeting Focuses on Issues You Expect to be of Interest to People With Disabilities (continued)

Model notice:

Reasonable Accommodations

The meeting site is fully accessible to people using wheelchairs or other mobility aids. Meeting agendas and handouts will be provided in accessible formats; sign language interpreters, open captioning, and assistive listening devices will be provided on site. The meeting will be webcast with open captioning [note web address]. Request other reasonable accommodations for people with disabilities as early as possible; please allow at least 5 days advance notice. Include a description of the accommodation you will need including as much detail as you can. Also include a way we can contact you if we need more information. Last minute requests will be accepted, but may be impossible to fill. Send an e-mail to: fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

- **Make sure that your first public announcement is released at least one full week in advance.**
- **Notify the Security Operations Center⁶⁶ if you expect visitors with disabilities**
Advance notice allows the Operations Center to assign sufficient security staff to screen visitors. It also allows security officers to prepare themselves for alternative communication modes and reminds them to expect visitors with assistive devices that may require special handling when going through metal detectors.

Don't know if your issues are of interest to people with disabilities?

If you are unsure whether your meeting topic is of interest to the disability community, consult the Chief of the Disability Rights Office.⁶⁷

MEETINGS WITH NON-FCC ATTENDEES (continued)

⁶⁶ For specific Security contact names, phone numbers, and e-mail addresses, see page 46 of this *Handbook*.

⁶⁷ For specific contact names, phone numbers, and e-mail addresses, see page 45 of this *Handbook*.



If your meeting requires pre-registration...

- **Be sure your registration form includes an option for requesting accommodations.**

Model accommodation request section:

Reasonable Accommodations

I need the following reasonable accommodation:

- Accessible Format (Please specify below)
 - Audiocassette (analog)
 - Braille
 - Large Print
 - Digital Audio Recording
 - Please circle one: 3.5" Floppy Disk, CD, E-mail attachment
 - Please circle one: MP3, RealAudio
 - Digital Text
 - Please circle one: 3.5" Floppy Disk, CD, E-mail attachment
 - Please circle one: ASCII, MSWord
 - Other (Please specify) _____

- Sign Language Interpreter
- CART (Communication Access Realtime Translation)
- Assistive Listening Device
- Other (please specify) _____

- **As soon as a request for accommodation is received, consult the chart on page 45 of this Handbook and forward the request to the appropriate person.**
- **Make sure that your first public announcement is released at least one full week in advance.**





MEETINGS WITH NON-FCC ATTENDEES -- If your meeting requires pre-registration
(continued)

- **Notify the Security Operations Center⁶⁸ if you expect visitors with disabilities**
Advance notice allows the Operations Center to assign sufficient security staff to screen visitors. It also allows security officers to prepare themselves for alternative communication modes and reminds them to expect visitors with assistive devices that may require special handling when going through metal detectors.

⁶⁸ For specific Security contact names, phone numbers, and e-mail addresses, see page 46 of this *Handbook*.





3. DISSEMINATING NEWS RELEASES, PUBLIC NOTICES, TEXTS, AND OTHER DOCUMENTS

- **Include an accessible format statement in your releases.**

Model statement:

Accessible Formats

To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0531 (voice), 202-418-7365 (tty).

- **Make sure that you indicate the web address consumers can use to get an electronic copy.** Follow the Commission's Section 508 Guidelines to assure appropriate web formats for your information. For more details on Section 508, contact the Commission's Section 508 Officer.⁶⁹

⁶⁹ For specific contact names, phone numbers, and e-mail addresses, see page 45 of this *Handbook*.





4. HOSTING ACCESSIBLE MEETINGS AND EVENTS

Hosting successful meetings or events⁷⁰ requires cooperation between event planners, chairpersons, emcees, moderators, coordinators, and attendees. The following hosting responsibilities and guidelines can help produce accessible events that comply with Section 504 requirements.

Opening announcements

- **Announce the availability of any accommodations that are in place.** Example: “For the [event name] today, we have the following accessibility services available [mention those actually in place for the event, e.g., sign language interpreters, assistive listening devices (ALDs), CART and/or captioning.] Also, agendas and handouts are available in large print, electronic format, and braille. If anyone needs assistance in locating where these services are being provided please let [identify any Commission staff who can assist in getting attendees the appropriate service(s) or products—ask the Commission staff identified to stand] know.”
- **Provide verbal directions to accessible restroom facilities.** For example, if the meeting is being held in the Commission Meeting Room, give directions similar to the following: “Accessible restrooms are located on the 12th Street level (this floor) at the following location: When exiting the Commission Meeting Room use the exit on the far right (or on the left, depending on where the speaker is located). Continue straight forward from the exit door for about 40 feet, then turn at the first corridor to the left. Restrooms are located immediately on your left, first the Men’s then the Women’s restrooms.”
- **Provide verbal directions to any other amenities** attendees may need to know about; e.g., area delis/restaurants, payphones, TTYs, ATMs.

Meeting moderators

- **Introduce all speakers and panelists verbally by name.** An alternative method is to ask the speakers/panelists to take turns introducing themselves.
- **Make it a practice to recognize individuals who would like to take the floor.**
 - This will avoid situations where several people attempt to speak at the same time. This is both good meeting practice and an aid to interpreters, CART writers, and captioners who are only able to render the comments of one speaker at a time.

HOSTING ACCESSIBLE MEETINGS AND EVENTS – Meeting Moderators: Recognizing individuals who would like to take the floor (continued)

⁷⁰ In this section, the words, “meeting” and “event” will be used interchangeably to indicate assemblies under the auspices of the FCC.





- This will identify the speaker for attendees who are blind or have low vision as well as for CART writers, captioners, and sign language interpreters.
 - A variation that is often used, particularly for events with attendees who are blind or have low vision, is to ask speakers to identify themselves each time they make a comment. This also is of benefit to captioners, CART writers, sign language interpreters, and members of the audience using these accommodations.
 - Since there is always a time lag between the time captioners, interpreters, and CART writers hear a message and are able to translate it, people who depend upon their services receive such information at a point slightly behind hearing participants. This frequently puts people who are deaf and hard of hearing at a disadvantage when trying to make a point or to respond to a question. By the time the question or issue is conveyed to them, others have already begun answering. By controlling access to the floor, the moderator can provide more equitable opportunities for comment and response.
- **Verbally acknowledge any speakers/panelists joining the meeting while in progress, or leaving the meeting before it ends.** [For example: “We’ve just been joined by Alex Bell from FCC Corp....glad to have you with us!” (Give Alex a chance to respond briefly. This will orient people who are blind or have low vision to his location and to his voice.) Then return to the discussion at hand.]
 - **If the public address system is not working properly, interrupt the speaker, reminding them to wait until the microphone is working correctly and repeat their comments using the working public address system.** Participants relying on ALDs, sign language interpreters, captioning, and CART text will miss the information if it does not come through the PA system.
 - **Remember to be patient. It will take extra time for individuals with speech disabilities or individuals using sign language interpreters, captioning, or CART to fully participate in discussions.** Participants with speech disabilities may require additional time to complete their comments. And, individuals using sign language interpreters, captions, and CART, experience delays in receiving information as well as expressing comments. On average, there is a 1-10 second delay between the time a comment is uttered and the time the complete sign language interpretation is presented. Similarly, there is a 1-15 second delay for the complete captioned or CART text to appear. There is a similar delay when a response is expressed in sign language and interpreted into speech. Thus, asking a question or soliciting comments and then quickly selecting the first person to raise a hand or shout out a response, does not allow those experiencing time delays an opportunity to participate. It also discriminates against those who require more time to express themselves.





HOSTING ACCESSIBLE MEETINGS AND EVENTS – Meeting Moderators (continued)

- **If the text of any handout or A/V presentation is not available in accessible formats (i.e., Braille, electronic text file, audio recording), announce to the audience how to obtain a copy in an accessible format.** Example: “We regret that the [document, PowerPoint presentation, agenda, etc.] is not available in braille, large print, or electronic text. However, anyone in the audience can contact the Commission’s Accessible Format Specialist, Consumer & Governmental Affairs Bureau, to obtain a copy in the format you prefer. You can call 202-418-0531 or 202-418-7365 (tty) or you can send an e-mail to fcc504@fcc.gov.”
- **Be aware of any changes to the physical environment.** If at any time before, during, or after the meeting, pathways or aisles become blocked for wheelchair access, move the barrier or designate someone to do so as soon as possible. Also, if the layout of the meeting room is changed during the meeting (for example, tables/chairs moved in a different configuration, additional equipment brought in, etc.), announce the changes or additions to the audience and warn them of hazards associated with the change(s)/addition(s), (e.g., power cords, cables, etc.) This will be especially helpful for attendees who are blind or have low vision. Example: “Just so that everyone is aware, we’ll need to change the location of some of the tables during the break in order to accommodate the equipment coming in for the next session. Also, please be aware that in order for the equipment to operate, there will be a power cord/cable that will be taped to the carpet that will run across the aisle. So please exercise caution when walking in the aisle area or close to the equipment when it is set up.”
- **Always describe any changes to preprinted agendas, handouts, or other materials.**
- **When an acronym that is not commonly known to the general public is first used, be sure to pause the discussion momentarily, giving the spelling and/or meaning of the acronym.** Not only will this be helpful to the audience, but will also be of invaluable assistance in providing accurate information to sign language interpreters, captioners, and CART writers. Example: “Excuse me. Just to help clarify what ‘Nancy’ is — it’s the acronym for the North American Numbering Council, N-A-N-C, which is often pronounced, ‘Nancy.’ It is ... [provide explanation].”

HOSTING ACCESSIBLE MEETINGS AND EVENTS (continued)

Audio and visual media

Organizers and planners of Commission meetings must make sure that all attendees, including individuals with disabilities, are not “excluded from participation in,” or “denied the





benefits of” meetings and events.⁷¹ In order to ensure that everyone can participate in and benefit from the meeting or event, it is vital that the organizer know, to the extent possible, what audio/visual presentations⁷² will be used.

Presenters with printed handouts or audio/visual media...

AND people with disabilities are expected

- Inform the presenters of the Commission’s obligation to provide access to people with disabilities. Ask the presenters whether printed handouts or audio/visual elements will be included in their respective presentations. If such materials will be in use, then...

In advance of the meeting, request a copy of the media that presenters plan to use -- printed handouts, audio/visual elements, etc. If available, an electronic version is preferred.

- For conversion of print and other textual media to braille, large print, electronic text, or audio format, contact the Commission’s Accessible Format Specialist, Consumer & Governmental Affairs Bureau, 202-418-0531 (voice), 202-418-7365 (tty), fcc504@fcc.gov.
 - When using slides or other graphic displays that do not include textual content (for example pictures, drawings, unlabeled charts, etc.), please provide a description of the key visual elements; include an explanation of any special significance implied by the manner of presentation. For example, if a parody of a company logo is displayed, note that it is a satirical depiction of Company X’s logo. Then proceed to describe what the image looks like.
 - If possible, submit materials at least 5 business days prior to the date they are needed so that the conversion to accessible format can be completed by the day of the event.

HOSTING ACCESSIBLE MEETINGS AND EVENTS – Audio and visual media – Presenters with printed handouts...AND people with disabilities expected (continued)

- For consultation regarding video or other non-text media that is not captioned, contact the Commission’s Section 504 Officer, Consumer & Governmental Affairs Bureau, 202-418-0530 (voice), 202-418-0432 (tty), fcc504@fcc.gov to determine the arrangements needed to assure access. Please allow as much lead time as possible.

⁷¹ 47 C.F.R. § 1.1830(a).

⁷² Audio/visual presentations can include, but are not limited to, the following: video presentations; audio clips; slides; overhead transparencies; PowerPoint or similar electronic presentations; diagrams or writing displayed on a poster, flipchart, whiteboard, or chalkboard.





- Remind presenters and event moderators that information contained in working documents, flipcharts, posters, and visual aids must be read or described in order for the information to be accessible to the entire audience.
 - If, as a group, you are editing or revising a document, be sure to re-read any sections or contextual material necessary to convey to the group the full impact of the change(s) to be made.
 - If you are exhibiting a diagram or model, be sure to describe the individual parts as well as any interactions or changes that are being shown. If animation or special effects are being used, be sure to describe those as well.

Presenters with printed handouts or audio/visual media...

AND it is unknown if people with disabilities will attend...

- Inform the presenters of the Commission's obligation to provide access to people with disabilities. Ask the presenters whether printed handouts or audio/visual elements will be included in their presentations. If such materials will be in use, then...
 - Request that presenters have copies of the media they plan to use readily available in the event that people with disabilities should request accommodations. Inform the presenter that if a request for accommodation is received, they will be asked to forward a copy of their presentation materials to the Commission immediately so that we may convert them into accessible format.





HOSTING ACCESSIBLE MEETINGS AND EVENTS (continued)

If you are invited to speak at a non-FCC event...

AND have handouts or audio/visual presentations...

Check with the event planner to find out whether the sponsoring organization has made arrangements for accessibility for individuals with disabilities.

If the hosts HAVE MADE ARRANGEMENTS for accommodations...

- Have copies of handouts and audio/visual media ready for your hosts so that they can have them produced in accessible format.
- If interpreters are being provided and you would like some guidelines on how to work with them, see the section on sign language interpreters beginning on page 82.

If the hosts HAVE NOT MADE ARRANGEMENTS for accommodations or do not know if people with disabilities plan to attend...

- Be prepared to read or describe any document or A/V presentation you will be sharing.
 - If the group is editing or revising a document, be sure to re-read any sections or contextual material necessary to convey to the group the full impact of the change(s) to be made.
 - If you are exhibiting a diagram or model, be sure to describe the individual parts as well as any interactions or changes that are being shown. If animation or special effects are being used, be sure to describe those as well.
- If you would like to have copies of your materials in accessible format (braille, large print, electronic text, or audio formats) to take with you to your presentation, send the document (preferably in electronic format) to the Commission's Accessible Format Specialist, Consumer & Governmental Affairs Bureau, 202-418-0531 (voice), 202-418-7365 (tty), fcc504@fcc.gov, at least 5 business days prior to your departure date.

When submitting slides or other graphic displays that do not include textual content (for example pictures, drawings, unlabeled charts, etc.) for conversion to accessible format, please provide a description of the key visual elements; include an explanation of any special significance implied by the manner of presentation. For example, if a parody of a company logo is displayed, note that it is a satirical depiction of Company X's logo. Then proceed to describe what the image looks like.

HOSTING ACCESSIBLE MEETINGS AND EVENTS – IF YOU ARE INVITED TO SPEAK AT A NON-FCC EVENT AND HAVE HANDOUTS OR AUDIO/VISUAL PRESENTATIONS – If the hosts have NOT made arrangements for accommodations (continued)





- If you do not have accessible copies of your materials with you, state at the beginning of your presentation that your materials can be provided in accessible format upon request. Ask audience members who need such formats to supply you with the following information:
 - Name, address, telephone number, e-mail address
 - Specific materials they would like converted to accessible format
 - Type of accessible format they are requesting

Forward the consumer's information along with copies of the document(s) they are requesting (preferably in electronic format) to the Commission's Accessible Format Specialist, Consumer & Governmental Affairs Bureau, 202-418-0531 (voice), 202-418-7365 (tty), fcc504@fcc.gov.





5. AUDIO-VISUAL MEDIA PRODUCED OR OWNED BY THE COMMISSION

Video formats (Videotape, CD, DVD, etc.)

Captioning

- Video media owned or produced by the Commission that is intended for use by either staff or the public must be captioned. The captioning may be either open or closed.
- When video is offered for sale with captions, the Commission must purchase the captioned version.
- For items that are not available for purchase with captions, or for items given to the Commission without captions, the Commission must assure that captioning will be added at the earliest opportunity.
- Comments for the record on video that are accompanied by a transcript need not be captioned.

Video description

- Video description is encouraged for visual media held or produced by the Commission and will be provided upon request. Retention and maintenance of video described versions of recordings should parallel that of non-video described versions.

Audio recordings

Audio recordings that are owned by the Commission and that are intended for use by either staff or the public must have written transcripts available upon request. Transcripts may be produced when requested and need not be prepared in advance. Once produced, however, the retention and maintenance of transcripts should parallel that of the audio recording.

To arrange for captioning or video description or to discuss your media options...

Contact fcc504@fcc.gov or call:

Accessible Format Specialist, Consumer & Governmental Affairs Bureau
202-418-0531 (voice), 202-418-7365 (tty)

Section 504 Officer, Consumer & Governmental Affairs Bureau
202-418-0530 (voice), 202-418-0432 (tty)





6. TRAINING

FCC Training

All FCC sponsored training must be accessible to people with disabilities. Training announcements should include an accessibility statement.

Model statement:

Reasonable accommodations for people with disabilities are available upon request. Include a description of the accommodation you will need including as much detail as you can. Also include a way we can contact you if we need more information. Please allow at least 5 days advance notice; last minute requests will be accepted, but may be impossible to fill. Send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau:

For sign language interpreters, CART, and other reasonable accommodations:
202-418-0530 (voice), 202-418-0432 (tty)

For accessible format materials (braille, large print, electronic files, and audio format): 202-418-0531 (voice), 202-418-7365 (tty)

FCC University

To request reasonable accommodations for FCC University courses, contact the Chief of the Learning and Development Service Center.⁷³

⁷³ For specific FCC University contact names, phone numbers, and e-mail addresses, see page 46 of this *Handbook*.





TRAINING (continued)

FCC Contracted training

Entities contracting with the FCC to provide training are obliged to comply with the requirements of the Rehabilitation Act⁷⁴ and the FCC Section 504 Rules.⁷⁵ It is expected that trainers will:

- Use only captioned video media whenever possible.
- Comply with reasonable accommodation requests from students including, but not limited to:
 - Providing print materials in braille, large print, or electronic format (Materials can be submitted to the Commission's Accessible Format Specialist for transcription.)
 - Reading or describing visual objects, displays, or projections used in class
 - Adjusting the classroom to allow appropriate lines of sight and/or physical access.
 - Provide transcripts of any audio media used in connection with the class.
 - Distribute any oral quizzes or tests in print format.
 - Provide print quizzes or tests in audio format.

External training

Commission employees participating in external training are expected to complete FCC Training Form 182e. Box 9 allows applicants to indicate the accommodations needed. Generally speaking, it is the responsibility of the entity offering the training to provide the accommodations. It is the employee's responsibility to make their reasonable accommodation needs known.

⁷⁴ 29 U.S.C. § 794.

⁷⁵ 47 C.F.R. § 1.1801-1.1870.



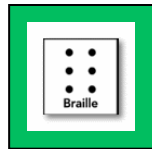


Section 504 Handbook

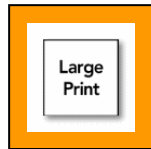
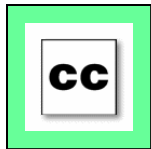


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IV. REASONABLE ACCOMMODATION PROCEDURES





1. REASONABLE ACCOMMODATION REQUESTS

If you receive a request for reasonable accommodations...

That is, a request for services that will allow someone with a disability to access the programs and activities of the Commission, IMMEDIATELY forward that information to one of the following people. Be sure to note contact information for the requestor (name, telephone number, and/or e-mail address) as well as a description of their request.

| If you have questions about: | Contact: |
|---|--|
| Legal Aspects of Disability | Thomas Chandler, Chief, Disability Rights Office Consumer & Governmental Affairs Bureau 202-418-1475 / 202-418-0597 tty • tchandle@fcc.gov |
| Reasonable Accommodations Sign Language Interpreters CART (Communication Access Realtime Translation) Physical Access Transcribing sign language submitted in video format into English | Helen Chang, Section 504 Officer Consumer & Governmental Affairs Bureau 202-418-0424 / 202-418-0432 tty • hchang@fcc.gov |
| Captioning Assistive Listening Devices (ALDs) | Daniel Oliver, Audio Visual Production Manager Office of Media Relations 202-418-0460 • doliver@fcc.gov |
| Accessible Format Braille / Large Print / Electronic Files / Audio Format Transcribing documents submitted in accessible format into print | Brian Millin, Accessible Format Specialist Consumer & Governmental Affairs Bureau 202-418-7426 / 202-418-7365 tty • bmillin@fcc.gov |
| Section 508 Issues Access to electronic data, resources, and equipment | Rosalind Singleton, Section 508 Officer Office of Managing Director 202-418-2850 • rsingle@fcc.gov |
| Section 501 Issues Workplace accommodations for FCC staff who have temporary or permanent disabilities | Barbara Douglas, Director Office of Workplace Diversity 202-418-7589 • bjdougl@fcc.gov |

REASONABLE ACCOMMODATION REQUESTS (continued)





Section 504 Handbook



| If you have questions about: | Contact: |
|------------------------------|--|
| Security Issues | Eric Botker, Manager Security Operations Center 202-418-7884 • ebotker@fcc.gov (when sending e-mail, please cc: Mary Long, mlong@fcc.gov and Richard Blackmon, rblackmo@fcc.gov) |
| FCC University | Jerry Liebes, Chief Learning and Development Service Center Office of Managing Director 202-418-1582 • jlieves@fcc.gov |
| Other Disability Issues | Helen Chang, Section 504 Officer Consumer & Governmental Affairs Bureau 202-418-0424 / 202-418-0432 tty • hchang@fcc.gov |





2. FCC504@FCC.GOV

Purpose

This is the primary e-mail address for non-FCC staff who would like to request accommodations or who would like to direct disability related inquiries to the FCC.

Who checks this mailbox?

Responsibility for checking the mailbox is as follows:

| | |
|------------|--|
| Primary: | Section 504 Officer |
| Secondary: | Accessible Format Specialist |
| Tertiary: | Disability Rights Office Sign Language Interpreter |





3. TTY ACCESS

TTY was originally an acronym for TeleTYpewriter. Today, these devices are sometimes also called TDDs (Telecommunications Devices for the Deaf) or TTs (Text Telephones), though the preferred term is still TTY. TTYs include a keyboard, text display, and sometimes a printer. TTYs allow individuals to make and receive telephone calls in realtime using typed, 2-way communication.

Distribution of TTYs within the Commission – Minimum standards

- Each Division/Office within the Commission should have a working TTY with staff trained and available to answer calls.
- TTY answering machines should be programmed with messages similar to those used on voice mail systems.
- TTYs should be checked regularly for messages with responses generated promptly. Specific individuals should be charged with this task and appropriate back-ups designated.
- The frequency with which TTY answering machines are checked should be comparable to checks of the voice mail system.

TTY Telephone numbers

- When contact telephone numbers for the FCC are disseminated, both voice and TTY telephone numbers should be included.
- If an individual, branch, or division designated as the Commission's point of contact does not have a TTY number, then the TTY number of their office or division must be used. **DO NOT** use the general 1-800-TELL-FCC TTY number.⁷⁶

TTY Assistance

- For technical assistance, contact:
CRC Help Desk, 202-418-1200 (press 2), 202-418-0124 tty, crchelp@fcc.gov
- For help in understanding/translating messages received via TTY,⁷⁷ contact The Commission's Section 504 Officer.⁷⁸

TTY ACCESS (continued)

⁷⁶ If consumers able to use a standard telephone are given contact numbers that are more specific than the general 1-888-CALL-FCC, then consumers who are deaf and hard of hearing must be given comparably specific contact numbers.

⁷⁷ Staff may notice that some messages received via TTY are written in non-standard English. This is because English is not a first language for many people who are deaf.

⁷⁸ For specific contact names, phone numbers, and e-mail addresses, see page 45 of this *Handbook*.





Telecommunications Relay Service (TRS)⁷⁹

TRS service (also called Relay, Relay Service, or Relay Center) is mandated by Title IV of the Americans with Disabilities Act (ADA)⁸⁰ and allows people who are deaf, hard of hearing, or who have speech disabilities to use the telephone. TRS service is available 24 hours a day. It provides the link between callers who use assistive devices such as TTYs, and callers who do not have such equipment. It also serves as an interface between people who have speech disabilities and those who have difficulty understanding them. To contact TRS, dial 711 anywhere in the United States.⁸¹ The call will be connected to an operator (also called a Communications Assistant or CA). The Relay Service will ask for the destination phone number. Once this information has been provided, the call will be placed. When the connection is completed, the CA will relay information between the caller and the call recipient. TRS calls can be of several types:

TTY calls

TTY users can contact the Relay Center to make calls to people who do not have a TTY. Likewise, callers who use standard telephones can contact the Relay Center to make calls to TTY users. When using the Relay, the TTY user types a message to the CA who then reads it to the person using a standard telephone. When the person using a standard telephone responds, the CA types the message to the TTY user.

VCO (Voice Carry Over)

With VCO, a caller who can speak intelligibly but who cannot hear conversation on the telephone (as is often the case, for example, with hard of hearing people), is able to speak directly with the person using a standard telephone on the other end of the line. The CA then types the standard telephone user's comments back to the VCO user via TTY. Either VCO users or standard telephone users can initiate and receive VCO calls.

⁷⁹ The Federal government maintains a separate relay service called the Federal Relay Service (FRS). FRS was established under Public Law 100-542, the Telecommunications Accessibility Act of 1988. It uses the Federal Telecommunication System (FTS2001), rather than commercial telephone networks, and may be used by Federal employees or the general public attempting to access Federal government resources. [From General Service Administration, Federal Relay Service (FRS),

“What is the FRS?” <http://www.fts.gsa.gov/frs/whatisfrs.htm> (visited 11/7/02) and “Why Use the FRS?” <http://www.fts.gsa.gov/frs/whyfrs.htm> (visited 11/7/02).]

⁸⁰ 47 U.S.C. § 225; Implementing Regulations: 47 C.F.R. § 64.601 *et seq.* (Title IV, FCC).

⁸¹ For calls placed from the FCC, dial 9 first to get an outside line, then dial 711.





TTY ACCESS -- Telecommunications Relay Service (continued)

HCO (Hearing Carry Over)

HCO allows people who can hear but who cannot speak clearly (for example, people who have had severe strokes) to use their hearing via a standard telephone while using a TTY to type their comments. HCO users type their comments to the CA who reads them to the person using a standard telephone on the other end of the line. The standard telephone user then speaks directly to the HCO user. Either HCO users or standard telephone users can initiate and receive HCO.

STS (Speech to Speech)

STS services are used by people who have speech disabilities and are neither deaf nor hard of hearing (for example, people who have cerebral palsy). With STS, CAs who are trained to understand people who have speech disabilities, listen to the caller and then repeat the message clearly to the person being called. The person with the speech disability can be either the initiator or the recipient of an STS call.

IP Relay

IP (Internet Protocol) Relay calls are initiated over the internet. To locate a list of IP Relay providers, use a standard internet search engine and search for "IP Relay." To make an IP Relay call, follow the directions on the internet site you select. At this time, IP Relay can only be used to make calls from an internet connection to a standard telephone. Calls cannot be made in reverse -- voice callers using a standard telephone or callers using VCO, HCO or STS cannot initiate an IP Relay call. IP Relay is currently an optional service.

VRS (Video Relay Service)

VRS allows sign language users to send and receive messages in American Sign Language (ASL). Currently, VRS calls must be initiated by the sign language user who must also have the appropriate video equipment and high speed connectivity, e.g., cable modem, DSL (Digital Subscriber Line), or ISDN (Integrated Services Digital Network). The sign language user signs to a CA who is also a qualified sign language interpreter. The CA interprets the message into spoken English for the standard telephone user who then responds in spoken English. The CA listens to the spoken message and interprets it into sign language for the originating caller. At this time VRS is an optional service.





TTY ACCESS -- Telecommunications Relay Service (continued)

Spanish Relay Service

Relay services must be provided in Spanish for all interstate calls. Calls made within states are not required to offer their services in Spanish though many TRS Centers voluntarily do so. Spanish Relay offers services via TTY, VCO, HCO, and IP Relay. At this time, Spanish Relay is not available for STS or Video Relay Service users. Spanish Relay is only required to provide relay services from Spanish-to-Spanish; it is not a translation service. Either Spanish Relay users or standard telephone users can initiate and receive Spanish Relay calls.





4. DOCUMENTS SUBMITTED IN ALTERNATE FORMATS

Where should they be sent?

Documents that are submitted in alternate formats; i.e., video recording, audio recording, braille and the like, should be forwarded immediately to the appropriate contact person listed on the chart below.

| For each format below, consult the Consumer & Governmental Affairs Bureau contact listed: | | | | |
|--|--|--|---|---|
| Audio recording | Braille | Electronic documents | Sign language | Other media or formats |
| Send To ↓ | Send To ↓ | Send To ↓ | Send To ↓ | Send To ↓ |
| Accessible Format Specialist 202-418-0531 202-418-7365 tty | Accessible Format Specialist 202-418-0531 202-418-7365 tty | Accessible Format Specialist 202-418-0531 202-418-7365 tty | Section 504 Officer 202-418-0530 202-418-0432 tty | Section 504 Officer 202-418-0530 202-418-0432 tty |

If you cannot determine what type of media you have received, send it to the Section 504 Officer.





5. CREATING IN-HOUSE TRANSCRIPTS FROM AUDIO RECORDINGS

Why transcribe audio recordings?

Transcription of audio recordings into other formats may be necessary to allow access to the information contained in the recording. Situations that may require such transcription include, but are not limited to, the following:

- Blind consumers who do not know braille and who do not type or use computers may make submissions to the Commission in audio format. These must be transcribed into written form in order to be placed in the record. (The Commission's rules concerning non-discrimination on the basis of disability in the Commission's programs and activities⁸² state that complaints may be submitted in "audio, braille, electronic, and/or video format."⁸³)
- FCC staff or members of the public who are deaf may need written transcripts of audio recordings in order to benefit from the recording's content.
- FCC staff or members of the public who are deaf-blind may need to have audio recordings transcribed into braille in order to benefit from the recording's content.

Who coordinates the transcription process?

The Accessible Format Specialist⁸⁴ is the coordinator and contact person for transcription of audio recordings.

What types of audio recordings are accepted for transcription?

- Audio recordings that are submitted to the Commission by consumers
- Commission audio recordings
- Audio recordings used in Commission sponsored or approved programs and activities.

⁸² 47 C.F.R. § 1.1801-1.1870.

⁸³ 47 C.F.R. § 1.1803.

⁸⁴ For specific contact names, phone numbers, and e-mail addresses, see page 45 of this *Handbook*.





CREATING IN-HOUSE TRANSCRIPTS FROM AUDIO RECORDINGS (continued)

Who should create the transcripts?

Transcripts should be created by qualified individuals. The Accessible Format Specialist, or someone the Accessible Format Specialist has evaluated and deemed qualified, are appropriate choices.

Transcription process

- **Note the date you receive the audio recording.**

There are often deadlines for submission of comments, complaints, or information; therefore, the actual submittal date can be crucial. If you are the first point of contact, rather than the office that is the official point of receipt, make sure you inform the proper office that you have received information in audio format that must be transcribed for the record. Also make sure that you have the full name, address, telephone number (or other contact information) for the submitter.

- **Find out if there are specific timelines/deadlines that affect the submission in question.**

If so, make every effort to complete the transcript as quickly as possible so that the entire process will not be unduly delayed. Make sure that the administrator of the procedure in question is aware of your role in the process and is aware that some flexibility in timing may be necessary.

- **Create at least 2 backup copies** of the submission in its original format. Contact the Audio Visual Center, Office of Media Relations, to schedule this service. Copies must be dubbed, so allow ample time for this process.

- **Preserve the original as the master.**

During the transcription process, retain the original submission as the master since making copies of copies produces poorer and poorer results. Use a copy as your working document.

- **Assure that one copy is filed with the appropriate office for the record (if applicable)** while you are working on the transcript. Again, be sure that you retain the master (original submission) so that copies can be made if your working copy breaks or if additional copies are needed.





CREATING IN-HOUSE TRANSCRIPTS FROM AUDIO RECORDINGS (continued)

Transcript review

Whenever possible, the completed transcript should be reviewed by another qualified person to assure accuracy and completeness.

Transcript format

- The completed document should be in MS Word using a font style and size that is generally acceptable to the Commission.
- The transcriber's name, the reviewer's name, and the date of completion should be noted on the transcript.

Final disposition

- **If this is a document submitted for the record...**
When the completed document is ready for filing, submit the transcript (with the proper number of copies) **including the original audio recording** to the appropriate office.
- **If this document was a request from a person with a disability...**
Deliver the transcript to the requestor using standard Commission methods, i.e., U.S. Postal Service, e-mail, etc.





6. CREATING IN-HOUSE WRITTEN TRANSCRIPTS FROM BRAILLE

Why transcribe braille?

The Commission rules concerning non-discrimination on the basis of disability in the Commission's programs and activities⁸⁵ state that complaints may be submitted in "audio, braille, electronic, and/or video format."⁸⁶ For submissions in braille, transcription is necessary to allow access for people who cannot read braille.

Who coordinates the transcription process?

The Accessible Format Specialist⁸⁷ is the coordinator and contact person for transcription of braille.

What types of braille are accepted for transcription?

- English Braille, Grades 1 and 2⁸⁸

Who should create the transcripts?

Braille transcripts should be created by certified braille transcribers⁸⁹. The Accessible Format Specialist is a certified braille transcriber and the primary Commission source for braille transcription. The Accessible Format Specialist may also designate other qualified individuals or organizations to provide braille transcription services.

⁸⁵ 47 C.F.R. § 1.1801-1.1870.

⁸⁶ 47 C.F.R. § 1.1803.

⁸⁷ For specific contact names, phone numbers, and e-mail addresses, see page 45 of this *Handbook*.

⁸⁸ Send ALL braille documents to the Accessible Format Specialist. He will determine if the form of braille used can be transcribed.

⁸⁹ Individuals may become certified braille transcribers by successfully completing the Library of Congress' certification program. For more information about the Library of Congress Braille Certification Program, contact the National Library for the Blind and Physically Handicapped, Braille Development Section, <http://www.loc.gov/nls/bds.html> (visited 11/1/02).





CREATING IN-HOUSE WRITTEN TRANSCRIPTS FROM BRAILLE (continued)

Transcription process

- **Note the date you receive the braille document.**
There are often deadlines for submission of comments, complaints, or information; therefore, the actual submittal date can be crucial. If you are the first point of contact rather than the office that is the official point of receipt, make sure you inform the proper office that you have received information in braille that must be transcribed for the record. Also make sure that you have the full name, address, telephone number (or other contact information) for the submitter.
- **Find out if there are specific timelines/deadlines that affect the submission in question.**
If so, make every effort to complete the transcript as quickly as possible so that the entire process will not be unduly delayed. Make sure that the administrator of the procedure in question is aware of your role in the process and is aware that some flexibility in timing may be necessary.
- **Create at least 2 backup copies** of the submission in ink-print format.
- **Preserve the original as the master.**
During the transcription process, retain the original submission as the master. For transcribers reading braille visually rather than by touch, use an ink-print copy as your working document. For transcribers who are reading braille by touch, produce a braille copy for your use if possible. Otherwise, use extreme care in handling the document since it will be the original of record.
- **Assure that one copy is filed with the appropriate office for the record** while you are working on the transcript. Again, be sure that you retain the original (master). This will assure that a master copy is available should your working copy be destroyed or if additional copies are needed.

Transcript review

Whenever possible, the completed transcript should be reviewed by another qualified person to assure accuracy and completeness.

Transcript format

- The completed document should be in MS Word using a font style and size that is generally acceptable to the Commission.
- The transcriber's name, the reviewer's name, and the date of completion should be noted on the transcript.





CREATING IN-HOUSE WRITTEN TRANSCRIPTS FROM BRAILLE (continued)

Final disposition

When the completed document is ready for filing, submit the transcript (with the proper number of copies) **including the original braille document** to the appropriate office.





7. CREATING IN-HOUSE TRANSCRIPTS FROM SIGN LANGUAGE VIDEO-RECORDINGS

Why transcribe sign language video recordings?

The Commission rules concerning non-discrimination on the basis of disability in the Commission's programs and activities⁹⁰ state that complaints may be submitted in "audio, braille, electronic, and/or video format."⁹¹ For submissions that take the form of American Sign Language recorded in video format, a translation and transcription into written English is necessary to allow access for people who do not understand American Sign Language.

Who coordinates the translation / transcription process?

The Section 504 Officer⁹² is the contact person and coordinator for sign language translation / transcription.

What visual presentations will be accepted for translation?

American Sign Language (ASL) and its cognates will be accepted for translation.⁹³ The Commission will not attempt to transcribe foreign sign languages, International Sign, and other visual, gestural modes of presentation.

Who should create the transcripts?

Translation of ASL to English should be handled by qualified individuals, preferably fully certified sign language interpreters.⁹⁴ When possible, consultation with qualified Deaf sign language users is highly desirable.

⁹⁰ 47 C.F.R. § 1.1801-1.1870.

⁹¹ 47 C.F.R. § 1.1803.

⁹² For specific contact names, phone numbers, and e-mail addresses, see page 45 of this *Handbook*.

⁹³ Throughout this document, the term American Sign Language or ASL should be understood to include all ASL cognates that are generally recognized in the United States.

⁹⁴ "Fully certified sign language interpreters" is intended to mean interpreters holding the Registry of Interpreters for the Deaf (RID) Certificate of Interpretation (CI), the RID Certificate of Transliteration (CT), the RID Comprehensive Skills Certificate (CSC), or the National Association of the Deaf (NAD) Level IV or V Certification.





CREATING IN-HOUSE TRANSCRIPTS FROM SIGN LANGUAGE VIDEO RECORDINGS (continued)

Transcription process

- **Note the date you receive the video recording.**

There are often deadlines for submission of comments, complaints, or information; therefore, the actual submittal date can be crucial. If you are the first point of contact rather than the office that is the official point of receipt, make sure you inform the proper office that you have received information in audio format that must be transcribed for the record. Also make sure that you have the full name, address, telephone number (or other contact information) for the submitter.

- **Find out if there are specific timelines/deadlines that affect the submission in question.**

If so, make every effort to complete the transcript as quickly as possible so that the entire process will not be unduly delayed. Make sure that the administrator of the procedure in question is aware of your role in the process and is aware that some flexibility in timing may be necessary.

- **Create at least 2 backup copies** of the submission in its original format. Contact the Audio Visual Center to schedule this service. Copies are run in “real time” so allow ample time for this process.

- **Preserve the original as the master.**

During the transcription process, retain the original submission as the master since making copies of copies produces poorer and poorer results. Use a copy as your working document.

Assure that one copy is filed with the appropriate office for the record while you are working on the translation. Always retain the original submission as the master since making copies of copies produces poorer and poorer results. Use a copy as your working document.

Translation process

- **Strike as much balance as possible between:**

- **Being accurate and complete**

- Remember that this is a transcript.
- Include false starts if signs are actually formed. Pauses or handshapes that begin but never finish need not be recorded.
- Ellipses (...) can be used to indicate abrupt changes and pauses like those in false starts.





CREATING IN-HOUSE TRANSCRIPTS FROM SIGN LANGUAGE VIDEO RECORDINGS (continued)

and

- **Trying to convey the message as the person who is deaf intends it without undue embellishment.**

If there is an obvious slip on the part of the speaker, a word mis-spoken, left out, etc., an editorial comment in brackets may be used.

For example: My reason for coming to the [Federal] Communications Commission is to let you know about my experiences with TRS.

- **Use judgment when dealing with fingerspelling**
Fingerspelling that is incidentally incorrect [equivalent to typos] need not be noted, but fingerspelling that is intentionally presented but does not clearly match the context of the statement should be noted. Possible interpretations should be noted in [brackets]. If fingerspelling is completely unreadable, note in the document, [*unintelligible*].

- **Try to match register and language level** as much as possible while still retaining meaning.

EXAMPLE:

- RECENT. FCC GROUP CHANGE. SWITCH-SWITCH-SWITCH. OFFICE MOVE 4th FLOOR ME.

Possible renderings:

- Recently, the FCC's organizational structure was revamped. One of the many changes included the relocation of my office to the 4th floor.
- With the recent change in FCC structure, my office moved to the 4th floor.
- FCC just reorganized. My office is now on the 4th floor.
- FCC's changed a lot. I'm on the 4th floor now.

- **Note unrecognizable signs that interrupt the flow of discourse.**
Use the notation, [*unknown sign*], in the document to clearly differentiate it from the actual text. If signs are recognizable, but meaning is not discernable, gloss as much of the comment as possible enclosing the glosses in {curly braces}. At the beginning of the transcript include a note explaining the use of [braces] and {curly braces} as well as any other conventions employed in the document.

CREATING IN-HOUSE TRANSCRIPTS FROM SIGN LANGUAGE VIDEO RECORDINGS (continued)





Translation review

Whenever possible, the completed translation should be reviewed by another qualified person to assure accuracy and completeness.

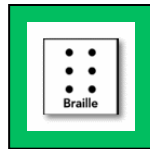
Translation format

- The completed document should be in MS Word using a font that is generally acceptable to the Commission.
- The translator's name, the reviewer's name, and the date of completion should be noted on the transcript.

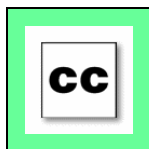
Final disposition

When the completed document is ready for filing, submit the translation (with the number of copies required) **along with the original video recording** to the appropriate office.





V. DISABILITY PRIMER





1. DISABILITY RIGHTS LAWS

Rehabilitation Act, Section 504

The Rehabilitation Act of 1973 (PL 93-112, September 26, 1973)⁹⁵ and its subsequent amendments are precursors to the more well-known Americans with Disabilities Act that was passed in 1990. Originally, Section 504 of the Rehabilitation Act was intended to eliminate discrimination against people with disabilities in programs or activities receiving Federal funding. Section 504 provided the following:

Sec. 504. No otherwise qualified handicapped individual in the United States, as defined in Section 7 (6), shall, solely by reason of his 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.

In 1978, the “Rehabilitation, Comprehensive Services, and Developmental Disabilities Amendments of 1978” (PL 95-602, November 6, 1978)⁹⁶ was passed broadening the scope of Section 504 to include the Executive Branch Agencies of the Federal Government. As amended, Section 504 reads as follows (the language added in the amendment is underlined):

Sec. 504. No otherwise qualified handicapped individual in the United States, as defined in Section 7 (6), shall, solely by reason of his 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 or under any program or activity conducted by any Executive agency or by the United States Postal Service. The head of each such agency shall promulgate such regulations as may be necessary to carry out the amendments to this section made by the Rehabilitation, Comprehensive Services, and Developmental Disabilities Act of 1978. Copies of any proposed regulation shall be submitted to appropriate authorizing committees of Congress, and such regulation may take effect no earlier than the thirtieth day after the date on which such regulation is so submitted to such committees.

⁹⁵ 29 U.S.C. § 701-797.

⁹⁶ 29 U.S.C. § 794.





DISABILITY RIGHTS LAWS – Rehabilitation Act, Section 504 (continued)

As a result, each Federal agency has its own set of section 504 regulations that apply to its own programs and activities. Agencies that provide Federal financial assistance also have Section 504 regulations covering entities that receive such funding.

Requirements common to Federal agency Section 504 regulations include reasonable accommodation for employees with disabilities; program accessibility; effective communication with people who have hearing or vision disabilities; and accessible new construction and alterations. Each agency is responsible for enforcing its own regulations. Section 504 may also be enforced through private lawsuits.⁹⁷

On April 15, 1987 the Federal Communications Commission released its Report and Order⁹⁸ (R&O), *Amendment of Part 1 of the Commission's Rules to Implement Section 504 of the Rehabilitation Act of 1973, as Amended, 29 U.S.C. § 794*. In the R&O, the Commission adopted with minor modifications the Department of Justice's prototype regulations for implementing and enforcing Section 504.

In 2003, the Commission released an Order amending its Section 504 regulations.⁹⁹ The amendment updated the language in the Commission's rules and added the *Section 504 Handbook* to its implementation of the Section 504 requirements.

In addition to Section 504 of the Rehabilitation Act, there are other Federal laws that address disability issues. The following is a brief description of some of the laws that are frequently mentioned in connection with topics of interest to the FCC.

⁹⁷ Excerpted and summarized from U.S. Department of Justice, Civil Rights Division, Disability Rights Section, "A Guide to Disability Rights Laws," <http://www.usdoj.gov/crt/ada/cguide.htm> (visited 10/31/02).

⁹⁸ FCC 87-108, General Docket No. 84-533.

⁹⁹ *Amendment of Part 1, Subpart N of the Commission's Rules Concerning Non-discrimination on the Basis of Disability in the Commission's Programs and Activities*, Order, FCC 03-48 (2003).





DISABILITY RIGHTS LAWS (continued)

Rehabilitation Act

Section 501¹⁰⁰

“Section 501 requires affirmative action and nondiscrimination in employment by Federal agencies of the executive branch.”¹⁰¹

Section 503¹⁰²

“Section 503 requires affirmative action and prohibits employment discrimination by Federal government contractors and subcontractors with contracts of more than \$10,000.”¹⁰³

Section 508¹⁰⁴

“Section 508 establishes requirements for electronic and information technology developed, maintained, procured, or used by the Federal government. Section 508 requires Federal electronic and information technology to be accessible to people with disabilities, including employees and members of the public.

An accessible information technology system is one that can be operated in a variety of ways and does not rely on a single sense or ability of the user. For example, a system that provides output only in visual format may not be accessible to people with visual impairments, and a system that provides output only in audio format may not be accessible to people who are deaf or hard of hearing. Some individuals with disabilities may need accessibility-related software or peripheral devices in order to use systems that comply with Section 508.”¹⁰⁵

¹⁰⁰ 29 U.S.C. § 791; Implementing Regulations: 29 C.F.R. § 1613.203.

¹⁰¹ From U.S. Department of Justice, Civil Rights Division, Disability Rights Section, “A Guide to Disability Rights Laws,” <http://www.usdoj.gov/crt/ada/cguide.htm> (visited 10/31/02).

¹⁰² 29 U.S.C. § 793; Implementing Regulations: 41 C.F.R. Part 60-741.

¹⁰³ From U.S. Department of Justice, Civil Rights Division, Disability Rights Section, “A Guide to Disability Rights Laws,” <http://www.usdoj.gov/crt/ada/cguide.htm> (visited 10/31/02).

¹⁰⁴ 29 U.S.C. § 794d.

¹⁰⁵ From U.S. Department of Justice, Civil Rights Division, Disability Rights Section, “A Guide to Disability Rights Laws,” <http://www.usdoj.gov/crt/ada/cguide.htm> (visited 10/31/02).





DISABILITY RIGHTS LAWS (continued)

Americans with Disabilities Act (ADA)¹⁰⁶

“The ADA prohibits discrimination on the basis of disability in employment, State and local government, public accommodations, commercial facilities, transportation, and telecommunications. It also applies to the United States Congress.

To be protected by the ADA, one must have a disability or have a relationship or association with an individual with a disability. An individual with a disability is defined by the ADA as a person who has a physical or mental impairment that substantially limits one or more major life activities, a person who has a history or record of such an impairment, or a person who is perceived by others as having such an impairment. The ADA does not specifically name all of the impairments that are covered.”¹⁰⁷

ADA Title I: Employment¹⁰⁸

“Title I requires employers with 15 or more employees to provide qualified individuals with disabilities an equal opportunity to benefit from the full range of employment-related opportunities available to others. For example, it prohibits discrimination in recruitment, hiring, promotions, training, pay, social activities, and other privileges of employment. It restricts questions that can be asked about an applicant’s disability before a job offer is made, and it requires that employers make reasonable accommodation to the known physical or mental limitations of otherwise qualified individuals with disabilities, unless it results in undue hardship.”¹⁰⁹

ADA Title II: State and Local Government Activities¹¹⁰

“Title II covers all activities of State and local governments regardless of the government entity’s size or receipt of Federal funding. Title II requires that State and local governments give people with disabilities an equal opportunity to benefit from all of their programs, services, and activities (e.g. public education,

¹⁰⁶ 42 U.S.C. §§ 12101 *et seq.*

¹⁰⁷ From U.S. Department of Justice, Civil Rights Division, Disability Rights Section, “A Guide to Disability Rights Laws,” <http://www.usdoj.gov/crt/ada/cguide.htm> (visited 10/31/02).

¹⁰⁸ Implementing regulation: 29 C.F.R. Parts 1630, 1602 (Title I, EEOC).

¹⁰⁹ From U.S. Department of Justice, Civil Rights Division, Disability Rights Section, “A Guide to Disability Rights Laws,” <http://www.usdoj.gov/crt/ada/cguide.htm> (visited 10/31/02).

¹¹⁰ Implementing Regulations: 28 C.F.R. Part 35 (Title II, Department of Justice); 49 C.F.R. Parts 27, 37, 38 (Title II, III, Department of Transportation).





DISABILITY RIGHTS LAWS– ADA Title II: State & Local Government Activities (continued)

employment, transportation, recreation, health care, social services, courts, voting, and town meetings).

State and local governments are required to follow specific architectural standards in the new construction and alteration of their buildings. They also must relocate programs or otherwise provide access in inaccessible older buildings, and communicate effectively with people who have hearing, vision, or speech disabilities. Public entities are not required to take actions that would result in undue financial and administrative burdens. They are required to make reasonable modifications to policies, practices, and procedures where necessary to avoid discrimination, unless they can demonstrate that doing so would fundamentally alter the nature of the service, program, or activity being provided.”¹¹¹

ADA Title II: Public Transportation¹¹²

“The transportation provisions of title II cover public transportation services, such as city buses and public rail transit (e.g. subways, commuter rails, Amtrak). Public transportation authorities may not discriminate against people with disabilities in the provision of their services. They must comply with requirements for accessibility in newly purchased vehicles, make good faith efforts to purchase or lease accessible used buses, remanufacture buses in an accessible manner, and, unless it would result in an undue burden, provide paratransit where they operate fixed-route bus or rail systems. Paratransit is a service where individuals who are unable to use the regular transit system independently (because of a physical or mental impairment) are picked up and dropped off at their destinations.”¹¹³

¹¹¹ From U.S. Department of Justice, Civil Rights Division, Disability Rights Section, “A Guide to Disability Rights Laws,” <http://www.usdoj.gov/crt/ada/cguide.htm> (visited 10/31/02).

¹¹² Implementing Regulations: 28 C.F.R. Part 35 (Title II, Department of Justice); 49 C.F.R. Parts 27, 37, 38 (Title II, III, Department of Transportation).

¹¹³ From U.S. Department of Justice, Civil Rights Division, Disability Rights Section, “A Guide to Disability Rights Laws,” <http://www.usdoj.gov/crt/ada/cguide.htm> (visited 10/31/02).





DISABILITY RIGHTS LAWS– ADA (continued)

ADA Title III: Public Accommodations¹¹⁴

“Title III covers businesses and nonprofit service providers that are public accommodations, privately operated entities offering certain types of courses and examinations, privately operated transportation, and commercial facilities. Public accommodations are private entities who own, lease, lease to, or operate facilities such as restaurants, retail stores, hotels, movie theaters, private schools, convention centers, doctors’ offices, homeless shelters, transportation depots, zoos, funeral homes, day care centers, and recreation facilities including sports stadiums and fitness clubs. Transportation services provided by private entities are also covered by [T]itle III.

Public accommodations must comply with basic nondiscrimination requirements that prohibit exclusion, segregation, and unequal treatment. They also must comply with specific requirements related to architectural standards for new and altered buildings; reasonable modifications to policies, practices, and procedures; effective communication with people with hearing, vision, or speech disabilities; and other access requirements. Additionally, public accommodations must remove barriers in existing buildings where it is easy to do so without much difficulty or expense, given the public accommodation’s resources.

Courses and examinations related to professional, educational, or trade-related applications, licensing, certifications, or credentialing must be provided in a place and manner accessible to people with disabilities, or alternative accessible arrangements must be offered.

Commercial facilities, such as factories and warehouses, must comply with the ADA’s architectural standards for new construction and alterations.”¹¹⁵

ADA Title IV: Telecommunications Relay Services¹¹⁶

“Title IV addresses telephone and television access for people with hearing and speech disabilities. It requires common carriers (telephone companies) to establish interstate and intrastate telecommunications relay services (TRS) 24 hours a day, 7 days a week. TRS enables callers with hearing and speech disabilities who use telecommunications devices for the deaf (TDDs), which are

¹¹⁴ Implementing Regulations: 49 C.F.R. Parts 27, 37, 38 (Title II, III, Department of Transportation); 28 C.F.R. Part 36 (Title III, Department of Justice).

¹¹⁵ From U.S. Department of Justice, Civil Rights Division, Disability Rights Section, “A Guide to Disability Rights Laws,” <http://www.usdoj.gov/crt/ada/cguide.htm> (visited 10/31/02).

¹¹⁶ Implementing Regulations: 47 C.F.R. §§ 64.601 *et seq.* (Title IV, FCC).





DISABILITY RIGHTS LAWS— ADA Title IV: Telecommunications Relay Service (continued)

also known as teletypewriters (TTYs), and callers who use voice telephones to communicate with each other through a third party communications assistant. The Federal Communications Commission (FCC) has set minimum standards for TRS services. Title IV also requires closed captioning of Federally funded public service announcements.”^{117, 118}

Architectural Barriers Act¹¹⁹

“The Architectural Barriers Act (ABA) requires that buildings and facilities that are designed, constructed, or altered with Federal funds, or leased by a Federal agency, comply with Federal standards for physical accessibility. ABA requirements are limited to architectural standards in new and altered buildings and in newly leased facilities. They do not address the activities conducted in those buildings and facilities. Facilities of the U.S. Postal Service are covered by the ABA.”¹²⁰

Telecommunications Act

Sections 255 and 251¹²¹

“Section 255 and Section 251(a)(2) of the Communications Act of 1934, as amended by the Telecommunications Act of 1996, require manufacturers of telecommunications equipment and providers of telecommunications services to ensure that such equipment and services are accessible to and usable by persons with disabilities, if readily achievable. These amendments ensure that people with disabilities will have access to a broad range of products and services such as telephones, cell phones, pagers, call-waiting, and operator services, that were often inaccessible to many users with disabilities.”^{122, 123}

¹¹⁷ From U.S. Department of Justice, Civil Rights Division, Disability Rights Section, “A Guide to Disability Rights Laws,” <http://www.usdoj.gov/crt/ada/cguide.htm> (visited 10/31/02).

¹¹⁸ See also “Telecommunications Act, Section 225” on page 70 of this Handbook.

¹¹⁹ 42 U.S.C. §§ 4151 *et seq.*; Implementing Regulations: 41 C.F.R. Subpart 101-19.6.

¹²⁰ From U.S. Department of Justice, Civil Rights Division, Disability Rights Section, “A Guide to Disability Rights Laws,” <http://www.usdoj.gov/crt/ada/cguide.htm> (visited 10/31/02).

¹²¹ 47 U.S.C. § 255, 251(a)(2).

¹²² From U.S. Department of Justice, Civil Rights Division, Disability Rights Section, “A Guide to Disability Rights Laws,” <http://www.usdoj.gov/crt/ada/cguide.htm> (visited 10/31/02).





DISABILITY RIGHTS LAWS -- Telecommunications Act (continued)

Section 713¹²⁴

Section 713 empowered the FCC to develop rules that would regulate the provision of television closed captioning services. It also charged the Commission to examine issues surrounding the provision of television video description services so as to “ensure the accessibility of video programming to persons with visual impairments, and to report to Congress on its findings.”¹²⁵

As a result, the Commission issued rules requiring captioning of television programs¹²⁶ as well as rules requiring that certain major broadcast and cable television stations provide video description for 50 hours of programming per calendar quarter.¹²⁷ However, in a decision released November 8, 2002, the U.S. Court of Appeals for the District of Columbia held that Section 713 did not give the FCC authority to enact video description rules. In its conclusion, the Court decided to “reverse and vacate the Commission’s Order insofar as it requires broadcasters to implement video description.”¹²⁸

Television Decoder Circuitry Act¹²⁹

The Television Decoder Circuitry Act of 1990 requires that beginning July 1, 1993, all television sets with screens 13 inches or larger, either made or imported for use in the United States, have built-in decoder circuitry that allows it to display closed captioning.

(...continued from previous page)

¹²³ See also “ADA Title IV: Telecommunications Relay Services on page 69 of this Handbook.

¹²⁴ 47 U.S.C. § 613.

¹²⁵ 47 U.S.C. § 613(f).

¹²⁶ 47 C.F.R. § 79.1.

¹²⁷ 47 C.F.R. § 79.3.

¹²⁸ *Motion Picture Association of America, Inc. v. FCC*, 309 F.3d 796 (D.C. Cir. 2002).

¹²⁹ 47 U.S.C. § 303, 330.





Hearing Aid Compatibility Act¹³⁰

The Hearing Aid Compatibility Act requires that all telephones, including cordless telephones, manufactured or imported for use in the U.S. be hearing aid compatible. Secure telephones are exempt, as are telephones used with public mobile services or private radio services. A telephone is hearing aid compatible if it provides internal means (i.e., without the use of external devices) for effective use with hearing aids that are designed to be compatible with telephones that meet established technical standards for hearing aid compatibility.¹³¹

¹³⁰ 47 U.S.C. § 610.

¹³¹ 47 C.F.R. §§ 68.316, 68.317.





2. Disability Statistics

The following chart, based on U.S. Census statistics from 1997, indicates the prevalence of selected disabilities in the United States among individuals age 15 and older. The information reflected in this chart is based on the Census Bureau's SIPP (Survey of Income and Program Participation).

"The [SIPP] survey design is a continuous series of national panels, with sample size ranging from approximately 14,000 to 36,700 interviewed households. The duration of each panel ranges from 2 1/2 years to 4 years. The SIPP sample is a multistage-stratified sample of the U.S. civilian noninstitutionalized population. For the 1984-1993 panels, a panel of households was introduced each year in February. A 4-year panel was introduced in April 1996. A 2000 panel was introduced in February 2000 for 2 waves. A 3-year 2001 panel was introduced in February 2001."¹³²

| Categories of individuals | # in thousands | % distribution |
|--------------------------------------|----------------|----------------|
| Individuals with a disability | 47,935 | 23.0 |
| Individuals with: | | |
| Difficulty seeing words/letters | 7,673 | 3.7 |
| Difficulty hearing conversation | 7,966 | 3.8 |
| Difficulty with speech | 2,270 | 1.1 |
| Difficulty walking/using stairs | 25,138 | 12.1 |
| Used a wheelchair | 2,155 | 1.0 |
| Used a cane/crutches/walker | 6,372 | 3.1 |
| Mental disability | 14,267 | 6.9 |
| Learning disability | 3,451 | 1.7 |
| Mental retardation | 1,366 | 0.7 |
| Alzheimer's/senility/dementia | 1,873 | 0.9 |
| Other mental/emotional condition | 3,418 | 1.6 |

August-November 1997 data from the Survey of Income and Program Participation¹³³

¹³² U.S. Census Bureau, Survey of Income and Program Participation, "Introduction to SIPP," <http://www.sipp.census.gov/sipp/overview.html> (visited 11/1/02).

¹³³ Data in this chart was gathered from: U.S. Census Bureau, "Disability," *Americans with Disabilities: 1997 (P70-73)*, <http://www.census.gov/hhes/www/disable/sipp/disab97/ds97t2.html> (visited 11/1/02).





3. Disability Terminology¹³⁴

The disability community generally emphasizes the individuality of people with disabilities, not their disability. The term “handicapped” has fallen into disuse and should be avoided. The terms “able-bodied,” “physically challenged” and “differently abled” are also discouraged. The following are some recommendations:

Never use the article “THE” with an adjective to describe people with disabilities. The preferred usage, “people with disabilities,” stresses the essential humanity of individuals and avoids objectification. Alternatively, the term “disabled people” is acceptable, but still defines individuals as disabled, first, and people second.” The term “hearing impaired” should also be used with caution as it is perceived by many to be a term that implies that the individual is in some way “broken” and needs to be “fixed.” Instead, the term, “deaf or hard of hearing,” can be used.

| | |
|------|---|
| Use: | People who are deaf People who are hard of hearing People who are deaf or hard of hearing |
| Not: | the deaf deaf-mutes deaf and dumb |
| Use: | People who are blind People with low vision People who are visually impaired |
| Not: | the visually impaired |
| Use: | People with disabilities |
| Not: | the disabled |

To refer to a person’s disability, choose the correct terminology for the specific disability. The following terms are examples of appropriate terms to describe people with disabilities.

People who are: blind, visually impaired, deaf, hard of hearing, mentally retarded. People with, or who have: Cerebral Palsy, Down’s Syndrome, mental illness, paraplegia, quadriplegia, partial hearing loss, seizure disorder, specific learning disability, speech impairment, speech disability.

¹³⁴ Extracted, with compiler additions, from the University of North Carolina at Wilmington, Disability Services, “Disability Terminology,” <http://www.uncwil.edu/stuaff/SDS/disterm.html> (visited 11/1/02).





DISABILITY TERMINOLOGY (continued)

Be careful not to imply that people with disabilities are to be pitied, feared or ignored, or that they are somehow more heroic, courageous, patient, or “special” than others. Never use the term “normal” in contrast.

| | |
|------|---|
| Use: | Trina qualified for her “Swimmer” certificate. |
| Not: | Trina held her own while swimming with normal children. |

A person in a wheelchair is a “wheelchair user” or “uses a wheelchair.” Avoid terms that define the disability as a limitation such as “confined to a wheelchair” or “wheelchair-bound.” A wheelchair liberates; it doesn’t confine.

Never use the terms “victim” or “sufferer” to refer to a person who has had a disease or disability. This term dehumanizes the person and emphasizes powerlessness.

| | |
|------|----------------------------------|
| Use: | person with HIV/AIDS |
| Not: | victim of AIDS or AIDS sufferer. |

| | |
|------|--------------|
| Use: | had polio |
| Not: | polio victim |





4. DISABILITY ETIQUETTE¹³⁵

General etiquette

- When talking with a person with a disability, speak directly to that person rather than to a companion or sign language interpreter who may be present.
- When introduced to a person with a disability, it is appropriate to offer to shake hands. People with limited hand use or who wear an artificial limb can usually shake hands. Shaking hands with the left hand is an acceptable greeting.
- When meeting a person with a visual impairment, always identify yourself and others who may be with you. When conversing in a group, remember to identify the person to whom you are speaking.
- If you offer assistance, wait until the offer is accepted. Then listen to or ask for instructions.
- Treat adults as adults. Address people who have disabilities by their first names only when extending that same familiarity to all others present. Never patronize people who use wheelchairs by patting them on the head or shoulder.
- Leaning or hanging on a person's wheelchair is similar to leaning or hanging on a person and is generally considered annoying. The chair is part of the personal body space of the person who uses it.
- Listen attentively when you're talking with a person who has difficulty speaking. Be patient and wait for the person to finish, rather than correcting or speaking for that person. If necessary, ask short questions that require short answers, a nod, or a shake of the head. Never pretend to understand if you are having difficulty doing so. Instead, repeat what you have understood and allow the person to respond. The response will clue you in and guide your understanding.
- When speaking with a person in a wheelchair or a person who uses crutches, place yourself at eye level in front of the person to facilitate the conversation.
- To get the attention of a person who is deaf or hard of hearing, tap the person on the shoulder or wave your hand. Look directly at the person and speak clearly. Not all

¹³⁵ Excerpted, with compiler revisions, from a list compiled from many sources by Karen Meyer of the National Center for Access Unlimited, a joint venture of the United Cerebral Palsy Association, Inc. and Adaptive Environments Center, Inc.
<http://www2.ucsc.edu/ada/ADAhints.html> (visited 10/31/02).





DISABILITY ETIQUETTE -- General etiquette (continued)

people who are deaf or hard of hearing can speechread. For those who do speechread, be sensitive to their needs by placing yourself facing the light source and keeping hands, cigarettes, and food away from your mouth when speaking.

- Relax. It's okay if you happen to use accepted, common expressions, such as "See you later" or "Did you hear about this," that seem to relate to the person's disability.





DISABILITY ETIQUETTE (continued)

Sensitivity to Blindness and Visual Impairments¹³⁶

The following points of etiquette are helpful to keep in mind when interacting with a person who is blind or visually impaired.

- Introduce yourself to people who are blind or visually impaired using your name and/or position, especially if you are wearing a name badge containing this information.
- Speak directly to people who are blind or visually impaired, not through a companion, guide, or other individual.
- Speak to people who are blind or visually impaired using a natural conversational tone and speed.
- Address people who are totally blind or severely visually impaired by name when possible. This is especially important in crowded areas.
- Immediately greet people who are blind or visually impaired when they enter a room or a service area. This allows you to let them know you are present and ready to assist. It also eliminates uncomfortable silences.
- Indicate the end of a conversation with a person who is totally blind or severely visually impaired to avoid the embarrassment of having them continue speaking when no one is actually there.
- Feel free to use words that refer to vision during the course of conversations with people who are blind or visually impaired. Vision-oriented words such as *look*, *see*, and *watching TV* are a part of everyday verbal communication. The words *blind* and *visually impaired* are also acceptable in conversation.
- Be precise and thorough when you describe individuals, places, or things to people who are totally blind. Don't leave things out or change a description because you think it is unimportant or unpleasant. It is also important to refer to specific people or items by name or title instead of general terms like "you", or "they" or "this."

¹³⁶ Excerpted with compiler edits from American Foundation for the Blind, Information Center, "Sensitivity to Blindness and Visual Impairments," http://www.afb.org/info_document_view.asp?documentid=911 (visited 11/1/02).





DISABILITY ETIQUETTE (continued) -- Sensitivity to Blindness and Visual Impairments (continued)

- Feel free to use visually descriptive language. Making reference to colors, patterns, designs, and shapes is perfectly acceptable.
- Speak about a person with a disability by first referring to the person and then to the disability. Refer to “people who are blind” rather than to “blind people.”
- Offer to guide people who are blind or visually impaired by asking if they would like assistance. Offer them your arm. It is not always necessary to provide guided assistance; in some instances it can be disorienting and disruptive. Respect the desires of the person you are with.
- Guide people who request assistance by allowing them to take your arm just above the elbow when your arm is bent. Walk ahead of the person you are guiding. **Never grab a person who is blind or visually impaired by the arm and push him/her forward.**
- Guide dogs are working mobility tools. Do not pet them, feed them, or distract them while they are working.
- Do not leave a person who is blind or visually impaired standing in “free space” when you serve as a guide. Always be sure that the person you guide has a firm grasp on your arm, or is leaning against a chair or a wall if you have to be separated momentarily.
- Be calm and clear about what to do if you see a person who is blind or visually impaired about to encounter a dangerous situation. For example, if a person who is blind is about to bump into a stanchion in a hotel lobby, calmly and firmly call out, “Wait there for a moment; there is a pole in front of you.”





DISABILITY ETIQUETTE (continued)

Interacting with people who have speech disabilities¹³⁷

There are a variety of disabilities, such as stroke, cerebral palsy, and deafness that may involve speech impairments. People with speech disabilities communicate in many different ways.

- People who have speech disabilities may use a variety of ways to communicate. The individual may choose to use American Sign Language, write, speak, use a communication device, or a combination of methods. Find out the person's preferred method and use it.
- Be appropriate when speaking with a person with a speech disability. Never assume that the person has a cognitive disability just because he or she has difficulty speaking.
- Move away from a noisy source and try to find a quiet environment for communicating with the person.
- If the person with a speech disability has a companion or attendant, talk directly to the person. Do not ask the companion about the person.
- Listen attentively when you are talking with a person who has difficulty speaking. Be patient and wait for the person to finish, rather than correcting or speaking for the person. If necessary, ask short questions that require short answers, a nod, or shake of the head.
- If you do not understand what the person has said, do not pretend that you did. Ask the person to repeat it. Smiling and nodding when you have no idea what the person said is embarrassing to both parties. Instead, repeat what you have understood and allow the person to respond.
- When you have difficulty conversing on the telephone with the person, suggest the use of a speech-to-speech relay service so that a trained professional can help you communicate with the person. Either you or the person can initiate the call free of charge via the relay service.

¹³⁷ Excerpted with compiler edits from University of Kentucky, Engaging Differences Project, "Etiquette: Someone who has a Speech Impairment," http://www.uky.edu/TLC/grants/uk_ed/interactiontips6.html (visited 11/1/02).





DISABILITY ETIQUETTE -- Interacting with people who have speech disabilities
(continued)

- If the person uses a communication device, make sure it is within his or her reach. If there are instructions visible for communicating with the person, take a moment to read them.
- Do not make assumptions about what a person can or cannot do based on his disability. All people with disabilities are different and have a wide variety of skills and personalities.





5. SIGN LANGUAGE INTERPRETERS

When using an interpreter...

- Speak clearly in a normal tone and at a natural pace; do not exaggerate lip movements (if the person who is deaf or hard of hearing has speechreading skills, exaggerated mouth movements will distort rather than enhance understanding).
- Make sure there is adequate lighting. Avoid lighting that places a shadow on the interpreter or that makes it difficult to see the interpreter's hands and face – for example, in front of a window or with bright or glaring light placed behind the interpreter.
- If possible, position the interpreter so that the person who is deaf or hard of hearing can see both the interpreter and the speaker.
- If speakers during your event are likely to use acronyms, jargon, or vocabulary peculiar to your field, it is helpful to provide the interpreter with a list of such terms and their definitions.
- Speak directly to the person who is deaf or hard of hearing and avoid phrases like, “tell him” or “ask her.”
- Maintain eye contact with the person who is deaf or hard of hearing, not with the interpreter. It may help to remind yourself that your conversation is with the person who is deaf or hard of hearing, not with the interpreter. This may seem difficult at first because you will hear the interpreter's voice and will see the person who is deaf or hard of hearing shifting his gaze between you and the interpreter. Keep in mind that the person who is deaf or hard of hearing must look at the interpreter in order to understand what you are saying.
- Realize that the interpreter is speaking for the person who is deaf or hard of hearing. When the interpreter says, “I” or “me,” she is speaking as the person who is deaf or hard of hearing, not as herself.
- Do not attempt to have private conversations with a working interpreter. It is the job of the interpreter to convey everything that is said or heard, including your efforts at engaging her attention.





SIGN LANGUAGE INTERPRETERS-- When using an interpreter (continued)

- In large gatherings where microphones are used, make sure that the interpreters providing sign to voice interpretation have a microphone and are placed with a clear line of sight, in front of the speaker who is deaf or hard of hearing.
- Situations requiring one or more hours of interpreting may call for more than one interpreter. A team of two interpreters helps reduce the possibility of errors and lessens the likelihood of injury due to the stressful repetitive motions required by interpreting. When interpreters work as a team, they will generally switch roles every twenty to thirty minutes.
- If you are in doubt as to the best arrangements for your situation, ask the interpreters and the people who are deaf and hard of hearing. They are the experts on what will work best for them.

Study of fatigue confirms need for working in teams¹³⁸

“[M]ost people do not realize that an interpreter uses at least 22 cognitive skills when interpreting,” states Patricia Michelsen in an article published in *The Court Management and Administration Report*. Other studies of simultaneous interpretation have shown that fatigue is exacerbated by environmental factors that interfere with various aspects of the cognitive process...

While these studies make an important contribution to the body of scientific data needed for a better understanding of the interpreting process and its complexities, they merely corroborate what practicing interpreters have known and argued all along: that work quality – i.e., accuracy and coherence – begins to deteriorate after approximately 30 minutes of sustained simultaneous interpreting, and that the only way to ensure a faithful rendition of legal proceedings is to provide interpreters with adequate relief at approximately half-hour intervals.

Conscientious administrators in several federal courts, the United Nations and the U.S. State Department recognized the need for tandem interpreting adopted the practice early on. Team interpreting, in fact, dates back to the Nuremberg trials. At the State Department, which according to Harry Obst, Director of the Office of Language Services, handles 200 to 300 interpreting missions in 100 different locations per day, it is considered an inviolable policy. In response to a request from Ed Baca of the

¹³⁸ Excerpted from Marta Vidal, “New Study On Fatigue Confirms Need for Working In Teams,” *Views*, Volume 14, Issue 6, June 1997, pages 1, 43-45.





SIGN LANGUAGE INTERPRETERS-- Study of fatigue confirms need for working in teams (continued)

Administrative Office of the U.S. Courts, Obst pointed out that ‘The policy on simultaneous interpreters is simple and corresponds to that of all other responsible interpreting services in the entire world (United Nations, European Commission, International Red Cross, International Court of Justice, foreign ministries in other nations.) No individual simultaneous interpreter is allowed to work for more than 30 minutes at a time.’ The letter continues, ‘This is also done for the protection of the users. After 30 minutes the accuracy and completeness of simultaneous interpreters decrease precipitously, falling off by about 10% every 5 minutes after holding a satisfactory plateau for half an hour.’ The reason, Obst explains, is that ‘The human mind cannot hold the needed level of focused concentration any longer than that. This fact has been demonstrated in millions of hours of simultaneous interpretation around the world since 1948. It is not a question of opinion. It is simply the result of empirical observation.’¹³⁹

Code of Ethics (Registry of Interpreters for the Deaf)¹⁴⁰

The Registry of Interpreters for the Deaf, Inc. [RID] is the national professional association for sign language interpreters in the United States. RID maintains and administers the certifying examination system for interpreters nationwide. RID has set forth the following principles of ethical behavior to protect and guide interpreters, transliterators, and hearing and deaf consumers of interpreting services. Underlying these principles is the desire to ensure the right to communicate for all.

This Code of Ethics applies to all members of the Registry of Interpreters for the Deaf, Inc. and to all certified non-members.

1. Interpreters/translitterators shall keep all assignment-related information strictly confidential.
2. Interpreters/translitterators shall render the message faithfully, always conveying the content and spirit of the speaker using language most readily understood by the person(s) whom they serve.

¹³⁹ References:

Michelsen, Patricia. “Court Interpreting,” *The Court Management & Administration Report*, 3:10-16, 1992.

Obst, Harry. Letter to Mr. Edward Bava, District Court Administration Division, Administrative Office of the U.S. Courts, Washington, DC. June 11, 1996.

¹⁴⁰ Excerpted, with compiler additions, from the Registry of Interpreters for the Deaf (RID), “RID’s Code of Ethics,” <http://www.rid.org/coe.html> (visited 11/2/02).





SIGN LANGUAGE INTERPRETERS—Code of Ethics (continued)

3. Interpreters/transliterators shall not counsel, advise or interject personal opinions.
4. Interpreters/transliterators shall accept assignments using discretion with regard to skill, setting, and the consumers involved.
5. Interpreters/transliterators shall request compensation for services in a professional and judicious manner.
6. Interpreters/transliterators shall function in a manner appropriate to the situation.
7. Interpreters/transliterators shall strive to further knowledge and skills through participation in work-shops, professional meetings, interaction with professional colleagues, and reading of current literature in the field.

Interpreters/transliterators, by virtue of membership or certification by the RID, Inc., shall strive to maintain high professional standards in compliance with the Code of Ethics.





6. Assistive Listening Devices¹⁴¹

Assistive listening devices (ALDs) increase the volume of a desired sound, such as the soundtrack of a movie or the voice of a tour guide, without increasing the loudness of background noises. Some assistive listening devices are also used to convey audio descriptions to visitors with visual impairments

It is estimated that one out of every 10 people in the U.S. has a significant hearing loss, ranging from 25 dB (mild) to 90 dB (severe). About half of them are older adults. Among people with hearing loss, some wear hearing aids or use other devices to enhance what hearing they have, and some read lips.

ALDs are made up of two parts: the transmitter and the receiver. The **transmitter** picks up the sound and converts it to a signal, which it then sends out. The **receiver** picks up a signal and transmits it to the user. Several receivers can pick up the signal from a single transmitter.

There are several types of ALD systems:

Infrared systems transmit sounds via light waves to users wearing receivers. The receiver must be in the transmitter's line of sight to function properly. This limits where listeners with receivers can be located, but it also prevents spillover of sound into other areas. Sunlight and bright incandescent light interfere with the transmitter signal, so an IR system may not be a good choice for outdoors. IR systems are often used in movies, conferences, and live performances.

FM systems transmit sounds via radio waves. With this system, the speaker wears a compact microphone and transmitter while the listener has a portable receiver with headphones or earphones. FM systems are commonly used when the speaker is required to move around. This system is not affected by light, but may experience radio interference. The same system can serve multiple uses (e.g. translations, audio descriptions, etc.) because it can transmit and receive multiple frequencies.¹⁴²

¹⁴¹ Excerpted with compiler edits from Association of Science-Technology Centers, Accessible Practices, Best Practices, "Live and Recorded Media: Assistive Listening Devices," <http://www.astc.org/resource/access/medald.htm> (visited 11/1/02).

¹⁴² The Commission is equipped with fixed FM assistive listening systems in the Commission Meeting Room and in Conference Room 1 on the 8th floor. In addition, there are 2 portable FM systems that can be used throughout the building and at remote locations. The systems are outfitted with microphones, earphones, and neckloops. (The microphones used with the portable systems transmit only to the assistive listening devices; they will not provide amplification to the room.)





ASSISTIVE LISTENING DEVICES (continued)

Inductive or audio loop systems transmit sounds using an electromagnetic field. A special amplifier and microphone used by the speaker send signals through a loop of wire installed around the listening area. Hearing aids equipped with telecoil circuits receive these signals and transmit them as sound to the listener. Listeners who do not have hearing aids or telecoil circuits can use receivers that pick up the signal.





7. CART (Communication Access Realtime Translation)¹⁴³

What is it?

Communication Access Realtime Translation (CART) is a word-for-word speech-to-text interpreting service for people who need communication access. Unlike computerized notetaking or abbreviation systems, which summarize information for consumers, CART provides a complete translation of all spoken words and environmental sounds, empowering consumers to decide for themselves what information is important to them. CART consumers include people with hearing loss; individuals with cognitive or motor challenges; anyone desiring to improve reading/language skills; and those with other communication barriers. The Americans with Disabilities Act (ADA) specifically recognizes CART as an assistive technology that affords effective communication access.

How it's done

A CART provider uses a steno machine, notebook computer, and realtime software to render instant speech-to-text translation on a computer monitor or other display for the benefit of an individual consumer or larger group in a number of settings: classrooms; business, government, and educational functions; courtrooms; religious, civic, cultural, recreation, or entertainment events. A CART provider is sensitive to the varying needs of consumers and has had training in conveying a speaker's message, complete with environmental cues. This expertise distinguishes a CART provider from a court reporter in a traditional litigation setting.

Certification

NCRA's Registered Professional Reporter (RPR) designation is nationally recognized and at this time is considered a requisite for CART providers. Attainment of the Certified Realtime Reporter (CRR) designation is recommended.

¹⁴³ Excerpted with compiler additions from the National Court Reporters Association, *CART Provider's Manual*, <http://cart.ncraonline.org/manual/index.html> (visited 11/1/02).





8. CAPTIONING

What is Captioning?

Captioning is the transcription and subsequent text display of dialog and other auditory information, such as on- and off-screen sound effects, music, and laughter. Captioning is used in many places including videos and films, live performances and demonstrations, lectures, web sites, and television.

Captioning benefits are not limited to people who are deaf or hard of hearing. In loud, crowded venues as well as hushed, quiet settings, captioned video allows sighted visitors to read what they cannot hear. Captions also benefit new readers and people who are learning English as a second language.¹⁴⁴

There are two categories of captions:

CLOSED captions are captions that are hidden in the video signal and are invisible without a special decoder. They are hidden in an area that is called line 21 of the vertical blanking interval (VBI).

OPEN captions are captions that have been decoded, so they have become an integral part of the television picture, like subtitles in a movie. Open captions cannot be turned off. The term “open captions” is also used to refer to subtitles created with a character generator.¹⁴⁵

¹⁴⁴ First and second paragraphs excerpted with compiler additions from Association of Science-Technology Centers, Accessible Practices, Best Practices, “Live and Recorded Media: Captioning,” <http://www.astc.org/resource/access/medcaption.htm> (visited 11/2/02).

A. ¹⁴⁵ Third and fourth paragraphs excerpted with compiler additions from Closed Captioning FAQ, “Captioning Overview: What Are Captions?” <http://www.robson.org/capfaq/overview.html> (visited 11/2/02).





CAPTIONING (continued)

Caption Styles¹⁴⁶

There are three ways that captions can be presented to a viewer:

Roll-up captions are used almost exclusively for live events. The words appear one at a time at the end of the line, and when a line is filled, it rolls up to make room for a new line. Older decoders can only display roll-up captions at the bottom of the screen. Newer ones can place captions wherever the captioner wants them.

Pop-on captions are the standard for pre-taped material. The entire caption appears, all at once, anywhere on the screen. When a pop-on caption appears, all captions previously on the screen are erased.

Paint-on captions are free-form in their positioning, like pop-on captions, but they don't erase what was already on the screen. The name comes from the way they are drawn on the screen a letter at a time, so you can see them "paint on" to the screen. They are not used much yet, except for commercials and special effects.

How are realtime [live] captions generated?¹⁴⁷

Realtime [live] captions are performed by stenocaptioners, who are court reporters with special training. They use a special keyboard (called a "steno keyboard" or "shorthand machine") to write what they hear as they hear it. Unlike a traditional "QWERTY" keyboard, a steno keyboard allows more than one key to be pressed at a time. The basic concept behind machine shorthand is phonetic, where combinations of keys represent sounds, but the actual theory used is much more complex than straight phonics.

Stenocaptioners are capable of writing at speeds of up to 250 words per minute, or even faster in short bursts.

The steno keyboard is connected to a computer system where the captioning software formats the stream of steno characters into captions and sends it to a caption encoder. This can be done either directly or through telephone modems.

¹⁴⁶ Excerpted with compiler additions from Closed Captioning FAQ, "Closed Captioning FAQs: Caption Styles," <http://www.robson.org/capfaq/look.html> (visited 11/2/02).

¹⁴⁷ Excerpted with compiler additions from Closed Captioning FAQ, "Online (Live) Captioning: How Are Realtime Captions Generated," <http://www.robson.org/capfaq/online.html> (visited 11/1/02).





CAPTIONING (continued)

Methods of captioning¹⁴⁸

▪ Stenocaptioning

Live captions are usually displayed in three lines rolling up from the bottom of the screen and are produced by “stenocaptioners” who listen to the show as it airs, typing the words in code on a shorthand keyboard. With live captioning, a few errors are unavoidable.

Stenocaptioners prepare for live programs ahead of time by updating their “dictionaries” with phonetic symbols or “briefs” for anticipated names and places. The symbols are converted into English words by translation software, formatted into caption data, and sent over telephone lines to be mixed with the video signal. The closed-captioned video signal is then sent to your home via satellite, airwaves, or cable. Your decoder changes the data into captions displayed on your screen. All this happens one to three seconds after a speaker’s words are spoken. This allows no time to make any corrections. One wrong keystroke can produce a strange combination of letters or syllables. A poorly prepared dictionary can also produce errors.

You can recognize stenocaptioning because there are pauses as the words and phrases paint onto the screen. Some news programs are captioned with a combination of stenocaptioning and “prescribed” captions. The prescribed captions paint on smoothly one row at a time. Since these captions were typed ahead of time, there should be no errors. When you see pauses within rows, you know that a stenocaptioner has taken over. Stenocaption errors usually result when the computer combines phonetic information to create a wrong (but similar-sounding) word or phrase; for example: “okay you pant” instead of “occupant.”

Most responsible captioning agencies require a 99% accuracy rate for real-time captioning, but at 250 words per minute, even the best and most experienced stenocaptioner can produce up to two errors every minute. Watch the network evening news for examples of experienced stenocaptioning. If you are watching garbled real-time captions and you are sure that poor reception is not creating the problem, the captioning agency may have put an inexperienced person on the air.

▪ Electronic Newsroom Captioning

Some local newscasts are closed captioned using an electronic newsroom system. Such systems provide automatic captioning based on material typed ahead of time into the teleprompter. Late-breaking news, ad libs, and live segments (field reports

¹⁴⁸ Excerpted with compiler additions from Media Access Group (The Caption Center), Resources, “Solving Caption Problems,” http://main.wgbh.org/wgbh/pages/mag/resources/guides/mag_guide_vol9.html (visited 11/1/02).





CAPTIONING -- Live Captioning – Electronic Newsroom Captioning (continued)

or weather forecasts) usually go uncaptioned. These systems occasionally put the wrong captions on a story or roll the captioning too fast.

▪ **Off-line Captioning**

You should expect virtually error-free captioning when a program is taped and captions can be prepared “off-line.” Captions should be thoroughly checked and reviewed before broadcast or duplication. It is the captioning agency’s responsibility to review its work and ensure high-quality captioning. It is the responsibility of the producers and networks to monitor the work of their captioning agencies.

Please note that a common symptom of poor reception (or technical problems at the TV station) is pairs of missing letters; for example “Good night” might appear as “Good nht”. While this may look like a misspelling, it is probably not a problem of sloppy captioning. Rather, poor reception or a technical glitch at the TV station could be the problem.





9. Braille¹⁴⁹

What Is Braille?



Braille is a series of raised dots that can be read with the fingers by people who are blind or whose eyesight is not sufficient for reading printed material. Teachers, parents, and others who are not visually impaired ordinarily read braille with their eyes. Braille is not a language. Rather, it is a code by which languages such as English or Spanish may be written and read.

What Does Braille Look Like?

Braille symbols are formed within units of space known as braille cells. A full braille cell consists of six raised dots arranged in two parallel columns each having three dots. The dot positions are identified by numbers from one through six. Sixty-four combinations are possible using one or more of these six dots. A single cell can be used to represent an alphabet letter, number, punctuation mark, or even a whole word.

How Was Braille Invented?

Louis Braille was born in Coupvray, France, on January 4, 1809. He attended the National Institute for Blind Youth in Paris, France, as a student. While attending the Institute, Braille yearned for more books to read. He experimented with ways to make an alphabet that was easy to read with the fingertips. The writing system he invented, at age fifteen, evolved from the tactile "Ecriture Nocturne" (night writing) code invented by Charles Barbier for sending military messages that could be read on the battlefield at night, without light.

¹⁴⁹ Excerpted with compiler edits from American Foundation for the Blind, Information Center, "What is Braille," http://www.afb.org/info_document_view.asp?documentid=1248 (visited 11/1/02).





How Is Braille Written?

When every letter of every word is expressed in braille, it is referred to as Grade 1 braille. Very few books or other reading material are transcribed in Grade 1 braille. However, many newly blinded adults find this useful for labeling personal or kitchen items.

The system used for reproducing most textbooks and publications is known as Grade 2 braille. In this system cells are used individually or in combination with others to form a





BRaille – How is braille written (continued)

variety of contractions or whole words. For example, in Grade 1 braille the phrase *you like him* requires twelve cell spaces. It would look like this:



If written in Grade 2 braille, this same phrase would take only six cell spaces to write. This is because the letters *y* and *l* are also used for the whole words *you* and *like* respectively. Likewise, the word *him* is formed by combining the letters *h* and *m*. It would look like this:



There are 189 different letter contractions and 76 short-form words used in Grade 2 braille. These “short cuts” are used to reduce the volume of paper needed for reproducing books in braille and to make the reading process easier.

Grade 1 (or uncontracted) braille has nothing to do with first grade. Most children learn grade 2 (contracted) braille from kindergarten on. In recent years, some teachers have chosen to begin teaching grade 1 braille first, transitioning to grade 2 braille by the mid-elementary years. There is currently no research that supports the superiority of one approach over the other.

Just as printed matter can be produced with a paper and pencil, typewriter, or printer, braille can also be written in several ways. The braille equivalent of paper and pencil is the slate and stylus. This consists of a slate or template with evenly spaced depressions for the dots of braille cells, and a stylus for creating the individual braille dots. With paper placed in the slate, tactile dots are made by pushing the pointed end of the stylus into the paper over the depressions. The paper bulges on its reverse side forming “dots.” Because of their portability, the slate and stylus are especially helpful for taking notes during lectures and for labeling such things as file folders.

Braille is also produced by a machine known as a braillewriter. Unlike a typewriter which has more than fifty keys, the braillewriter has only six keys and a space bar. These keys are numbered to correspond with the six dots of a braille cell. In that most braille symbols contain more than a single dot, all or any of the braillewriter keys can be pushed at the same time.





BRAILLE – How is braille written (continued)

Technological developments in the computer industry have provided and continue to expand additional avenues of literacy for braille users. Software programs and portable electronic braille notetakers allow users to save and edit their writing, have it displayed back to them either verbally or tactually, and produce a hard copy via a desktop computer-driven braille embosser.

Since its development in France by Louis Braille in the latter part of the nineteenth century, braille has become not only an effective means of communication, but also a proven avenue for achieving and enhancing literacy for people who are blind or have significant vision loss.¹⁵⁰

¹⁵⁰ A sample page of braille with an English translation can be found in the Appendix of this *Handbook*.





10. Video Description^{151,152}

Video Description uses spoken explanations and descriptions of visual elements that are inserted into a television or video program without interfering with the sounds and dialogue that are a regular part of the program. This service is available on a limited basis on certain cable television channels, on Public Broadcasting Service (PBS) television shows, commercial broadcast stations, and on videotapes for purchase or rental.

A research project completed by the American Foundation for the Blind in 1997 (partially funded by the U.S. Department of Education, grant #H026G40001) studied issues related to video description, and to television and video watching by people who are blind or visually impaired. The following are highlights of that study:

- Blind and visually impaired people (approximately 3% of the U.S. population) watch television and videotapes about as often as those who are not visually impaired. In addition, their households own televisions and VCRs, and subscribe to cable television, to the same extent as other households. However, many find the experience frustrating.
- In order to increase their understanding and enjoyment of television shows, people who are blind or visually impaired take various actions including sitting closer to the television set, buying larger television sets, and asking other people questions about what is happening on the screen.
- Most people who are blind or visually impaired find that their enjoyment of television is increased when sighted companions informally describe the visual aspects of programming to them.
- The vast majority of those who have experienced formal video description say they would be more likely to watch a television show or video with description than without.
- The vast majority of blind and visually impaired people who have experienced description say that it is important to their enjoyment of programming.
- Most people who have watched video description with a sighted person say it rarely or never interferes with the sighted person's enjoyment of programming.

¹⁵¹ Excerpted with compiler additions from American Foundation for the Blind, Information Center, "Video Description," http://www.afb.org/info_document_view.asp?documentid=944 (visited 11/1/02).

¹⁵² "Audio Description" is another term often used for this service.





VIDEO DESCRIPTION (continued)

- People who have experienced video description feel that it affords important benefits, which fall into the categories of enhanced viewing, learning, and social experiences watching television and videotapes.
- “Dramas or Mysteries” and “Nature or Science” are the two most popular categories of television shows that blind and visually impaired people would like to see described. For videotapes of movies, the most popular categories are “Serious Dramas” and “Documentaries.”





11. DISABILITY ACCESS SYMBOLS



Access to Low Vision¹⁵³

This symbol may be used to indicate access for people who are blind or have low vision, including: guided tours, paths to a nature trail, scent gardens in a park, tactile tours or museum exhibitions that may be touched.



Accessibility Symbol¹⁵⁴

The wheelchair symbol should only be used to indicate access for individuals with limited mobility, including wheelchair users. For example, the symbol is used to indicate accessible entrances, bathrooms, or telephones that have been lowered for wheelchair users. Remember that a ramped entrance is not completely accessible if there are no curb cuts, and an elevator is not accessible



if it can only be reached via steps.



Accessible Print¹⁵⁵

The symbol for large print is 'Large Print' printed in 18 Point or larger text. In addition to indicating that large print versions of books, pamphlets, museum guides and theater programs are available, the symbol may be used on conference or membership forms to indicate that print materials may be provided

¹⁵³ Excerpted with compiler additions from Graphic Artists Guild, "Disability Access Symbols," (symbols available in downloadable files from this site), <http://www.gag.org/resources/das.php> (visited 11/1/02).

¹⁵⁴ *Id.*

¹⁵⁵ *Id.*





in large print. Sans serif or modified serif print with good contrast is highly recommended, and special attention should be paid to letter and word spacing.



Assistive Listening Systems¹⁵⁶

These systems transmit sound via hearing aids or headsets. They include infrared, loop and FM systems. Portable systems may be available from the same audiovisual equipment suppliers that service conferences and meetings.

¹⁵⁶ *Id.*





DISABILITY ACCESS SYMBOLS (continued)

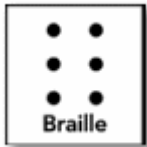


Audio Description (Video Description)^{157,158}

There are 2 symbols that are used for this service that makes television, video, film, and live performances more accessible for persons who are blind or have low vision. For televisions and monitors, descriptions of visual elements are provided by a trained Audio Descriptor using the Secondary Audio Program (SAP).



Braille Symbol¹⁵⁹



This symbol indicates that printed matter is available in braille, including exhibition labeling, publications, and signage.



Closed Captioning¹⁶⁰

These symbols indicate that a television program or videotape is closed captioned. The "CC" (with or without the rounded rectangle surrounding it) is generic and can be used by any company. The second icon that looks like a comic strip speech "balloon" (a rounded rectangle with a small "tail" protruding below) is a registered service mark of the National Captioning Institute (NCI), and is only used for productions that are captioned by NCI.



¹⁵⁷ FCC uses the term "Video Description."

¹⁵⁸ Excerpted with compiler additions from Graphic Artists Guild, "Disability Access Symbols," (symbols available in downloadable files from this site), <http://www.gag.org/resources/das.php> (visited 11/1/02).

Second graphic ("D" with radiating arcs) from WGBH, Services for Hire, "Access Symbols," <http://main.wgbh.org/wgbh/hire/symbols.html> (visited 11/1/02).

¹⁵⁹ From Graphic Artists Guild, "Disability Access Symbols," (symbols available in downloadable files from this site), <http://www.gag.org/resources/das.php> (visited 11/1/02).

¹⁶⁰ Excerpted with compiler additions from Closed Captioning FAQ, "Closed Captioning Overview: Why are there different icons to denote captioned programs?" <http://www.robson.org/capfaq/overview.html#icons> (visited 11/1/02).





DISABILITY ACCESS SYMBOLS (continued)



Sign Language Interpretation¹⁶¹

The symbol indicates that sign language interpretation is provided for lectures, tours, performances, conferences, or other programs.



TTY (Teletypewriter)¹⁶²

TTYs are also known as text telephones (TTs), or telecommunications devices for the deaf (TDDs). The TTY symbol indicates that TTYs are available.



Volume Control Telephone¹⁶³

This symbol indicates that telephone handsets with amplified sound and/or adjustable volume controls are available.



Web Access¹⁶⁴

This symbol appears on web sites that have been designed with accessibility features. The symbol should always be used with the following alt-text tag: Web Access Symbol (for people with disabilities).

¹⁶¹ From Graphic Artists Guild, "Disability Access Symbols," (symbols available in downloadable files from this site), <http://www.gag.org/resources/das.php> (visited 11/1/02).

¹⁶² Excerpted with compiler additions from Graphic Artists Guild, "Disability Access Symbols," (symbols available in downloadable files from this site), <http://www.gag.org/resources/das.php> (visited 11/1/02).

¹⁶³ *Id.*

¹⁶⁴ Excerpted from WGBH, Service for Hire, "Access Symbols," <http://main.wgbh.org/wgbh/hire/symbols.html> (visited 11/4/02).



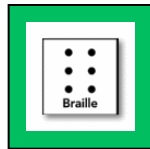


Section 504 Handbook

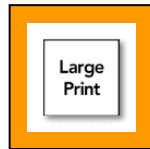
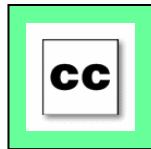


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APPENDIX



APPENDIX A

Amendment of Part 1, Subpart N of the Commission’s Rules Concerning Non-Discrimination on the Basis of Disability in the Commission’s Programs and Activities

**Before the
 Federal Communications Commission
 Washington, D.C. 20554**

In the Matter of)
)
 Amendment of Part 1, Subpart N of the)
 Commission’s Rules Concerning Non-)
 Discrimination on the Basis of Disability in)
 the Commission’s Programs and Activities)

ORDER

Adopted: March 4, 2003

Released: March 12, 2003

By the Commission: Chairman Powell, Commissioners Copps and Adelstein issuing separate statements.

1. As originally enacted, Section 504 of the Rehabilitation Act of 1973 prohibited discrimination against individuals with disabilities under any “program or activity” receiving Federal financial assistance.¹⁶⁵ In 1978, Congress amended Section 504 to cover any program or activity conducted by any Executive Branch agency or the United States Postal Service. The 1978 amendment required covered agencies to promulgate regulations enforcing Section 504’s prohibitions. On April 15, 1987, the Commission released a *Report and Order* that adopted with minor modifications the

¹⁶⁵ The Rehabilitation Act of 1973, Pub.L. 93-112, 87 Stat. 394, 29 U.S.C. 794, as amended by the Rehabilitation Act Amendments of 1974, Pub.L. 93-516, 88 Stat. 1617, and the Rehabilitation, Comprehensive Services, and Developmental Disabilities Amendments of 1978, Pub.L. 95-602, 92 Stat. 2955, and the Rehabilitation Act Amendments of 1986, § 103(d), Pub.L. 99-506, 100 Stat. 1810, creates specific causes of action for persons who are aggrieved by discriminatory treatment as defined in the Act.





Department of Justice’s prototype regulations for implementing and enforcing Section 504.¹⁶⁶ The *Report and Order* noted that the legislative history of the 1978 amendments indicated that Congress intended the amendments to apply to all federal agencies, including independent regulatory agencies such as this Commission.¹⁶⁷ Except for adding consumer complaint procedures, the Commission has not updated its Section 504 regulations since 1987.

2. By this Order, we amend Part 1, Subpart N of our rules, entitled “Enforcement of Non-discrimination on the Basis of Handicap in Programs or Activities Conducted by the Federal Communications Commission,” 47 C.F.R. 1.1801 *et seq.*, to update the Commission’s Section 504 regulations. Specifically, we amend Subpart N throughout to replace the terms “handicap,” “individual with a handicap,” and “individuals with handicaps” with the terms “disability,” “individual with a disability,” and “individuals with disabilities,” respectively, in keeping with the most current statutory terms used in the Americans with Disabilities Act.¹⁶⁸ We amend sections 1.1803 and 1.1810 to specify filing and signature formats for persons with disabilities who wish to file using alternative media. We add a new section 1.1805 to our rules to provide for the Federal Communications Commission Section 504 Programs and Activities Accessibility Handbook (Section 504 Handbook). The Section 504 Handbook is intended as a guide to implement the Commission’s responsibilities under Section 504 of the Rehabilitation Act.¹⁶⁹ This handbook describes the methods and procedures for accommodation available at the Commission to achieve a consistent and complete accommodations policy. It is for internal staff use and public information only, and is not intended to create any rights, responsibilities, or independent causes of action against the Federal Government.

3. In addition, we amend section 1.1803 to define the term “programs or activities” as that term is used in Subpart N. We amend section 1.1810 to require that the self-evaluation process be held every three years, during which time we will seek public comment on the accessibility of our programs and activities as required by Section 504 of the Rehabilitation Act of 1973. Finally, we amend section 1.1849 to add a procedure for individuals who are requesting accessibility to the Commission’s programs and facilities. We note that requests for accommodation requiring the assistance of other persons (e.g., an American Sign Language interpreter) can best be provided if the request is made five business days before a Commission event.¹⁷⁰

4. The modifications to Part 1, Subpart N undertaken by this Order are rules that pertain to agency organization, procedure and practice. Consequently, the notice and comment provisions of the

¹⁶⁶ *Amendment of Part 1 of the Commission’s Rules to Implement Section 504 of the Rehabilitation Act of 1973, as amended*, 29 U.S.C. § 794, Gen. Docket No. 84-533, *Report and Order*, 2 FCC Rcd 2199 (1987)(*Report and Order*).

¹⁶⁷ See *Report and Order* at 2199, ¶ 2.

¹⁶⁸ 42 U.S.C. §§ 12101 *et seq.*

¹⁶⁹ The Rehabilitation Act of 1973, Pub.L. 93-112, 87 Stat. 394, 29 U.S.C. 794, as amended by the Rehabilitation Act Amendments of 1974, Pub.L. 93-516, 88 Stat. 1617, and the Rehabilitation, Comprehensive Services, and Developmental Disabilities Amendments of 1978, Pub.L. 95-602, 92 Stat. 2955, and the Rehabilitation Act Amendments of 1986, sec. 103(d), Pub.L. 99-506, 100 Stat. 1810, creates specific causes of action for persons who are aggrieved by discriminatory treatment as defined in the Act.

¹⁷⁰ Even if the request for accommodation is made less than five days before the relevant event, the Commission will make every effort to secure the services of a person to provide the requested assistance.





Administrative Procedure Act are inapplicable.¹⁷¹ The procedural rule modifications will be effective immediately upon publication in the Federal Register.¹⁷²

5. Accordingly, IT IS ORDERED that, pursuant to Section 5 of the Communications Act of 1934, as amended, 47 U.S.C. § 155, Part 1, Subpart N of the Commission's rules IS AMENDED as set forth in the attached Appendix, effective upon publication in the Federal Register.

FEDERAL COMMUNICATIONS COMMISSION

Marlene H. Dortch
Secretary

¹⁷¹ 5 U.S.C. § 553(b)(3)(A).

¹⁷² See 5 U.S.C. § 553(d).





6. APPENDIX A

7. FINAL RULE AMENDMENTS

8.

Part 1 of Title 47 of the Code of Federal Regulations is amended as follows:

3) The authority citation for Part 1 continues to read as follows:

AUTHORITY: 47 U.S.C. 151, 154(i), 154(j), 155, 225, 303(r), 309 and 325(e), and 29 USC 794.

4) Part 1 Subpart N is amended to read as follows:

9.

SUBPART N--ENFORCEMENT OF NONDISCRIMINATION ON THE BASIS OF DISABILITY IN PROGRAMS OR ACTIVITIES CONDUCTED BY THE FEDERAL COMMUNICATIONS COMMISSION

§ 1.1801 Purpose.

The purpose of this part is to effectuate section 119 of the Rehabilitation, Comprehensive Services, and Developmental Disabilities Amendments of 1978, which amended section 504 of the Rehabilitation Act of 1973 (section 504) to prohibit discrimination on the basis of disability in programs or activities conducted by Executive agencies or the United States Postal Service.

§ 1.1802 Applications.

This part applies to all programs or activities conducted by the Federal Communications Commission. The programs or activities of entities that are licensed or certified by the Federal Communications Commission are not covered by these regulations.

§ 1.1803 Definitions.

For purposes of this part, the term--

“Auxiliary aids” means services or devices that enable persons with impaired sensory, manual, or speaking skills to have an equal opportunity to participate in, and enjoy the benefits of, programs or activities conducted by the Commission. For example, auxiliary aids useful for persons with impaired vision include readers, Brailled materials, audio recordings, and other similar services and devices. Auxiliary aids useful for persons with impaired hearing include telephone handset amplifiers, telephones compatible with hearing aids, telecommunication devices for deaf persons (TTY/TDDs), interpreters, Computer-aided realtime transcription (CART), captioning, notetakers, written materials, and other similar services and devices.

“Commission” means Federal Communications Commission.





“Complete complaint” means a written statement, or a complaint in audio, Braille, electronic, and/or video format, that contains the complainant's name and address and describes the Commission's alleged discriminatory action in sufficient detail to inform the Commission of the nature and date of the alleged violation of section 504. It shall be signed by the complainant or by someone authorized to do so on his or her behalf. The signature of the complainant, or signature of someone authorized by the complainant to do so on his or her behalf, shall be provided on print complaints. Complaints in audio, Braille, electronic, and/or video formats shall contain an affirmative identity statement of the individual, which for this purpose shall be considered to be functionally equivalent to a complainant's signature. Complaints filed on behalf of classes or third parties shall describe or identify (by name, if possible) the alleged victims of discrimination.

“Facility” means all or any portion of buildings, structures, equipment, roads, walks, parking lots, or other real or personal property.

“General Counsel” means the General Counsel of the Federal Communications Commission.

“Individual with a disability” means any individual who has a physical or mental impairment that substantially limits one or more major life activities, has a record of such an impairment, or is regarded as having such an impairment. As used in this definition, the phrase:

(1) “Physical or mental impairment” includes, but is not limited to, --

(i) Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: Neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genitourinary; hemic and lymphatic; skin; and endocrine;

(ii) Any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities;

(iii) Diseases and conditions such as orthopedic, visual, speech, and hearing impairments; cerebral palsy; epilepsy; muscular dystrophy; multiple sclerosis; cancer; heart disease; diabetes; mental retardation; emotional illness; and drug addiction and alcoholism.

(2) “Major life activities” include functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

(3) “Has a record of such an impairment” means has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities.

(4) “Is regarded as having an impairment” means--

(i) Has a physical or mental impairment that does not substantially limit major life activities but is treated by the Commission as constituting such a limitation;

(ii) Has a physical or mental impairment that substantially limits major life activities only as a result of the attitudes of others toward such impairment; or





(iii) Has none of the impairments defined in paragraph (1) of this definition but is treated by the Commission as having such impairment.

“Managing Director” means the individual delegated authority as described in 47 C.F.R. § 0.11.

“Programs or Activities” mean any activity of the Commission permitted or required by its enabling statutes, including but not limited to any licensing or certification program, proceeding, investigation, hearing, meeting, board or committee.

“Qualified individual with a disability” means--

(1) With respect to any Commission program or activity under which an individual is required to perform services or to achieve a level of accomplishment, an individual with a disability who, with or without reasonable modification to rules, policies, or practices or the provision of auxiliary aids, meets the essential eligibility requirements for participation in the program or activity and can achieve the purpose of the program or activity; or

(2) With respect to any other program or activity, an individual with a disability who, with or without reasonable modification to rules, policies, or practices or the provision of auxiliary aids, meets the essential eligibility requirements for participation in, or receipt of benefits from, that program or activity; or

(3) The definition of that term as defined for purposes of employment in 29 C.F.R. § 1630.2(m), which is made applicable to this part by § 1.1840.

“Section 504” means section 504 of the Rehabilitation Act of 1973, Pub.L. 93-112, 87 Stat. 394, 29 U.S.C. 794, as amended by the Rehabilitation Act Amendments of 1974, Pub.L. 93-516, 88 Stat. 1617, and the Rehabilitation, Comprehensive Services, and Developmental Disabilities Amendments of 1978, Pub.L. 95-602, 92 Stat. 2955, and the Rehabilitation Act Amendments of 1986, sec. 103(d), Pub.L. 99-506, 100 Stat. 1810. As used in this part, section 504 applies only to programs or activities conducted by Executive agencies and not to federally assisted programs.

“Section 504 Officer” is the Commission employee charged with overseeing the Commission’s section 504 programs and activities.

§ 1.1805 Federal Communications Commission Section 504 Programs and Activities Accessibility Handbook.

The Consumer & Governmental Affairs Bureau shall publish a “Federal Communications Commission Section 504 Programs and Activities Accessibility Handbook” (“Section 504 Handbook”) for Commission staff, and shall update the Section 504 Handbook as necessary and at least every three years. The Section 504 Handbook shall be available to the public in hard copy upon request and electronically on the Commission’s Internet website. The Section 504 Handbook shall contain procedures for releasing documents, holding meetings, receiving comments, and for other aspects of Commission programs and activities to achieve accessibility. These procedures will ensure that the Commission presents a consistent and complete accommodation policy pursuant to 29 U.S.C. § 794, as amended. The Section 504 Handbook is for internal staff use and public information only, and is not intended to create any rights, responsibilities, or independent cause of action against the Federal Government.





§ 1.1810 Review of compliance.

(a) The Commission shall, beginning in 2004 and at least every three years thereafter, review its current policies and practices in view of advances in relevant technology and achievability. Based on this review, the Commission shall modify its practices and procedures to ensure that the Commission's programs and activities are fully accessible.

(b) The Commission shall provide an opportunity to interested persons, including individuals with disabilities or organizations representing individuals with disabilities, to participate in the review process by submitting comments. Written comments shall be signed by the commenter or by someone authorized to do so on his or her behalf. The signature of the commenter, or signature of someone authorized by the commenter to do so on his or her behalf, shall be provided on print comments. Comments in audio, Braille, electronic, and/or video formats shall contain an affirmative identity statement of the individual, which for this purpose shall be considered to be functionally equivalent to a commenter's signature.

(c) The Commission shall maintain on file and make available for public inspection for four years following completion of the compliance review --

- (1) A description of areas examined and problems identified;
- (2) All comments and complaints filed regarding the Commission's compliance; and
- (3) A description of any modifications made.

§ 1.1811 Notice.

The Commission shall make available to employees, applicants, participants, beneficiaries, and other interested persons information regarding the regulations set forth in this part, and their applicability to the programs or activities conducted by the Commission. The Commission shall make such information available to such persons in such manner as the Section 504 Officer finds necessary to apprise such persons of the protections against discrimination assured them by section 504.

§ 1.1830 General prohibitions against discrimination.

(a) No qualified individual with a disability shall, on the basis of disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity conducted by the Commission.

(b) Discriminatory actions prohibited.

(1) The Commission, in providing any aid, benefit, or service, may not, directly or through contractual, licensing, or other arrangements, on the basis of disability--

(i) Deny a qualified individual with a disability the opportunity to participate in or benefit from the aid, benefit, or service;

(ii) Afford a qualified individual with a disability an opportunity to participate in or benefit from the aid, benefit, or service that is not equal to that afforded others;





(iii) Provide a qualified individual with a disability with an aid, benefit, or service that is not as effective in affording equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement as that provided to others;

(iv) Provide different or separate aid, benefits, or services to individuals with disabilities or to any class of individuals with disabilities than is provided to others unless such action is necessary to provide qualified individuals with disabilities with aid, benefits, or services that are as effective as those provided to others;

(v) Deny a qualified individual with a disability the opportunity to participate as a member of planning or advisory boards; or

(vi) Otherwise limit a qualified individual with a disability in the enjoyment of any right, privilege, advantage, or opportunity enjoyed by others receiving the aid, benefit, or service.

(2) The Commission may not deny a qualified individual with a disability the opportunity to participate in any program or activity even where the Commission is also providing equivalent permissibly separate or different programs or activities for persons with disabilities.

(3) The Commission may not, directly or through contractual or other arrangements, utilize criteria or methods of administration--

(i) That have the purpose or effect of subjecting qualified individuals with disabilities to discrimination on the basis of disability; or

(ii) That have the purpose or effect of defeating or substantially impairing accomplishment of the objectives of a program or activity with respect to individuals with disabilities.

(4) The Commission may not, in determining the site or location of a facility, make selections--

(i) That have the purpose or effect of excluding individuals with disabilities from, denying them the benefits of, or otherwise subjecting them to discrimination under any program or activity conducted by the Commission; or

(ii) That have the purpose or effect of defeating or substantially impairing the accomplishment of the objectives of a program or activity with respect to individuals with disabilities.

(5) The Commission, in the selection of procurement contractors, may not use criteria that subject qualified individuals with disabilities to discrimination on the basis of disability.

(6) The Commission may not administer a licensing or certification program in a manner that subjects qualified individuals with disabilities to discrimination on the basis of disability, nor may the Commission establish requirements for the programs or activities of licensees or certified entities that subject qualified individuals with disabilities to discrimination on the basis of disability. However, the programs or activities of entities that are licensed or certified by the Commission are not, themselves, covered by this part.





(7) The Commission shall make reasonable modifications in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability, unless the Commission can demonstrate that making the modifications would fundamentally alter the nature of the program, service, or activity.

(c) This part does not prohibit the exclusion of persons without disabilities from the benefits of a program limited by Federal statute or Executive order to individuals with disabilities, or the exclusion of a specific class of individuals with disabilities from a program limited by Federal statute or Executive order to a different class of individuals with disabilities.

(d) The Commission shall administer programs and activities in the most integrated setting appropriate to the needs of qualified individuals with disabilities.

§ 1.1840 Employment.

No qualified individual with a disability shall, on the basis of disability, be subjected to discrimination in employment under any program or activity conducted by the Commission. The definitions, requirements and procedures of section 501 of the Rehabilitation Act of 1973, 29 U.S.C. § 791, as established by the Equal Employment Opportunity Commission in 29 C.F.R. Parts 1614 and 1630, as well as the procedures set forth in the Basic Negotiations Agreement Between the Federal Communications Commission and National Treasury Employees Union, as amended, and Subchapter III of the Civil Service Reform Act of 1978, 5 U.S.C. § 7121(d), shall apply to employment in federally conducted programs or activities.

§ 1.1849 Program accessibility: Discrimination prohibited.

(a) Except as otherwise provided in § 1.1850, no qualified individual with a disability shall, because the Commission's facilities are inaccessible to, or unusable, by individuals with disabilities, be denied the benefits of, be excluded from participation in, or otherwise be subjected to discrimination under any program or activity conducted by the Commission.

(b) Individuals shall request accessibility to the Commission's programs and facilities by contacting the Commission's Section 504 Officer. Such contact may be made in the manner indicated in the FCC Section 504 Handbook. The Commission will make every effort to provide accommodations requiring the assistance of other persons (*e.g.*, American Sign Language interpreters, communication access realtime translation (CART) providers, transcribers, captioners, and readers) if the request is made to the Commission's Section 504 Officer a minimum of five business days in advance of the program. If such requests are made fewer than five business days prior to an event, the Commission will make every effort to secure accommodation services, although it may be less likely that the Commission will be able to secure such services.

§ 1.1850 Program accessibility: Existing facilities.

(a) General. Except as otherwise provided in this paragraph, the Commission shall 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. This paragraph does not—

(1) Necessarily require the Commission to make each of its existing facilities accessible to and usable by individuals with disabilities;





(2) Require the Commission to take any action that it can demonstrate would result in a fundamental alteration in the nature of a program or activity, or in undue financial and administrative burdens. In those circumstances where Commission personnel believe that the proposed action would fundamentally alter the program or activity or would result in undue financial and administrative burdens, the Commission has the burden of proving that compliance with § 1.1850(a) would result in such alteration or burdens. The decision that compliance would result in such alteration or burdens must be made by the Managing Director, in consultation with the Section 504 Officer, after considering all Commission resources available for use in the funding and operation of the conducted 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, the Commission 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 and services of the program or activity.

(b) Methods. The Commission may comply with the requirements of this section through such means as the redesign of equipment, reassignment of services to accessible buildings, assignment of aides to beneficiaries, home visits, delivery of services at alternate accessible sites, alteration of existing facilities and construction of new facilities, or any other methods that result in making its programs or activities readily accessible to and usable by individuals with disabilities. The Commission is not required to make structural changes in existing facilities where other methods are effective in achieving compliance with this section. The Commission, in making alterations to existing buildings, shall meet accessibility requirements to the extent compelled by the Architectural Barriers Act of 1968, as amended (42 U.S.C. §§ 4151-4157), and any regulations implementing it. In choosing among available methods for meeting the requirements of this section, the Commission shall give priority to those methods that offer programs and activities to qualified individuals with disabilities in the most integrated setting appropriate.

(c) Time period for compliance. The Commission shall comply with the obligations established under this section within sixty (60) days of the effective date of this subpart, except that where structural changes in facilities are undertaken, such changes shall be made within three (3) years of the effective date of this part.

(d) Transition plan. In the event that structural changes to facilities will be undertaken to achieve program accessibility, the Commission shall develop, within six (6) months of the effective date of this subpart, a transition plan setting forth the steps necessary to complete such changes. The Commission 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 (both oral and written). A copy of the transitional plan shall be made available for public inspection. The plan shall, at a minimum--

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

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

(3) 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 (1) year, identify steps that will be taken during each year of the transition period;

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





§ 1.1851 Building accessibility: New construction and alterations.

Each building or part of a building that is constructed or altered by, on behalf of, or for the use of the Commission shall be designed, constructed, or altered so as to be readily accessible to and usable by individuals with disabilities. The definitions, requirements and standards of the Architectural Barriers Act, 42 U.S.C. §§ 4151-4157, as established in 41 C.F.R. §§ 101-19.600 to 101-19.607, apply to buildings covered by this section.

§ 1.1870 Compliance procedures.

(a) Except as provided in paragraph (b) of this section, this section applies to all allegations of discrimination on the basis of disability in programs or activities conducted by the Commission.

(b) The Commission shall process complaints alleging violations of section 504 with respect to employment according to the procedures established by the Equal Employment Opportunity Commission in 29 C.F.R. Part 1614 pursuant to section 501 of the Rehabilitation Act of 1973, 29 U.S.C. 791.

(c) Complaints alleging violation of section 504 with respect to the Commission's programs and activities shall be addressed to the Managing Director and filed with the Office of the Secretary, Federal Communications Commission, 445 12th Street, SW., Room TWB- 204, Washington, DC 20554.

(d) Acceptance of complaint.

(1) The Commission shall accept and investigate all complete complaints, as defined in section 1.1803 of this part, for which it has jurisdiction. All such complaints must be filed within one-hundred eighty (180) days of the alleged act of discrimination. The Commission may extend this time period for good cause.

(2) If the Commission receives a complaint that is not complete as defined in section 1.1803 of this part, the complainant will be notified within thirty (30) days of receipt of the incomplete complaint that additional information is needed. If the complainant fails to complete the complaint within thirty (30) days of receipt of this notice, the Commission shall dismiss the complaint without prejudice.

(e) If the Commission receives a complaint over which it does not have jurisdiction, it shall promptly notify the complainant and shall make reasonable efforts to refer the complaint to the appropriate government entity.

(f) The Commission shall notify the Architectural and Transportation Barriers Compliance Board upon receipt of any complaint alleging that a building or facility that is subject to the Architectural Barriers Act of 1968, as amended, 42 U.S.C. §§ 4151-4157, is not readily accessible to and usable by individuals with disabilities.

(g) Within one-hundred eighty (180) days of the receipt of a complete complaint, as defined in section 1.1803 of this part, for which it has jurisdiction, the Commission shall notify the complainant of the results of the investigation in a letter containing--

(1) Findings of fact and conclusions of law;

(2) A description of a remedy for each violation found; and





(3) A notice of the right to appeal.

(h) Appeals of the findings of fact and conclusions of law or remedies must be filed by the complainant within ninety (90) days of receipt from the Commission of the letter required by § 1.1870(g). The Commission may extend this time for good cause.

(i) Timely appeals shall be accepted and processed by the Office of the Secretary, Federal Communications Commission, 445 12th Street, SW., Room TWB- 204, Washington, DC 20554.

(j) The Commission shall notify the complainant of the results of the appeal within sixty (60) days of the receipt of the appeal request. If the Commission determines that it needs additional information from the complainant, and requests such information, the Commission shall have sixty (60) days from the date it receives the additional information to make its determination on the appeal.

(k) The time limits cited in (g) and (j) of this section may be extended with the permission of the General Counsel.

(l) The Commission may delegate its authority for conducting complaint investigations to other federal agencies, except that the authority for making the final determination may not be delegated to another agency.





APPENDIX B

10.

11. Federal Communications Commission Section 504 Programs and Activities Accessibility Handbook.





SEPARATE STATEMENT OF CHAIRMAN MICHAEL K. POWELL

Re: Amendment of Part 1, Subpart N of the Commission's Rules Concerning Non-Discrimination on the Basis of Disability in the Commission's Programs and Activities.

Technology has the power to deliver to Americans with disabilities access that previously was unimaginable. Making access solutions available to the disability community has been a core objective of this Commission – from closed captioning to IP relay. Today's *Order* ensures that a high level of access extends to the Commission as well, so that all Americans have the opportunity to meaningfully participate in the Commission's work.

Since the Commission first promulgated disability accommodation rules in 1987, there have been many changes in disability law, and the "state of the art" in access technology has advanced considerably. Today's *Order* brings the Commission's rules up-to-date with these changes. In addition, adoption of the Accessibility Handbook will ensure that the Commission's policies are consistently applied and that all Commission staff are adequately prepared to deal with accommodation requests. The *Order* further provides that every three years the Commission will review its accommodation policies, so that we may learn and grow from our experiences, and keep pace with ever-changing technology. Only through constant vigilance can we ensure that individuals with disabilities are obtaining the best possible accommodations and the highest level of access.

The creation of this Accessibility Handbook was a significant undertaking. I applaud the leadership demonstrated by the Consumer & Governmental Affairs Bureau and its Disability Rights Office in making this remarkable and practical resource a reality – and a model for other federal agencies and the private sector. Such efforts further secure the FCC's place as one of the most accessible institutions in government – an achievement for which I am tremendously proud.





SEPARATE STATEMENT OF COMMISSIONER MICHAEL J. COPPS

Re: In the Matter of Amendment of Part 1, Subpart N of the Commission's Rules Concerning Non-Discrimination on the Basis of Disability in the Commission's Programs and Activities

I am pleased to support the *Section 504 Order and Handbook*. This update is long overdue, but all the more welcome for that. I am encouraged that we are updating our regulations today and establishing a regular review of these rules to help keep them up-to-date in the future.

The Commission has made great strides over the past several years to improve accessibility. Among other things, the Commission wrote new rules to ensure that communications products and services are accessible to those with disabilities; overhauled and updated our Telecommunications Relay Services (TRS) rules; established and implemented 711 as a nationwide relay number; took action on captioning to ensure that everyone has access to televised information, including most importantly warnings about emergency situations; and allocated spectrum for assistive listening devices.

But we must not rest on these accomplishments; we must build on them. The Commission needs now to look at the important issues of Internet relay, hearing aid compatibility for digital wireless phones, accessibility to digital and interactive television, and implementation of TTY access to E-911 and video description.

My office was fortunate to have an intern with a disability to work with us last summer. The Commission did an outstanding job of providing accommodations for us, but I wonder whether everyone at this agency is aware of the kinds of accommodations the Commission can – and indeed, is required to – provide for our employees with disabilities. This *Handbook* is a good step to help us understand, and to make us a model not only of compliance -- but of leadership. We can do more. I would like to see this *Handbook* be used as a model for the Commission to develop other handbooks to address related issues. The Commission has responsibilities under Sections 501 and 508 of the Rehabilitation Act to provide accommodations to our employees with disabilities, and to ensure that the electronic and information technology that we use, build, buy, and/or lease is accessible to persons with disabilities. A Section 501 Handbook could be a valuable tool for FCC employees, co-workers, and supervisors of employees with disabilities. Likewise, a Section 508 Handbook would assist all of us at the Commission who work with electronic and information technology to learn how to make decisions when procuring technology. It is not only the right thing to do, it is the law.

I want to thank the Disability Rights Office for its leadership on this item, particularly those who spearheaded the *Handbook*. Thank you for your dedication to your jobs, and for helping the Commission to be accessible to members of the public with disabilities.





**SEPARATE STATEMENT OF
COMMISSIONER JONATHAN S. ADELSTEIN**

Re: In the Matter of Amendment of Part 1, Subpart N of the Commission's Rules Concerning Non-Discrimination on the Basis of Disability in the Commission's Programs and Activities

I would like to commend the Consumer & Governmental Affairs Bureau for its successful efforts in bringing yet another item to the Commission floor. After reading the handbook, I must say that it is both very thorough and informative.

While a staff member in the United States Senate, I worked to help pass the Americans with Disabilities Act and devoted a great amount of attention to the Social Security Disability Insurance program. These types of issues ring very true to me.

We, as a Commission, need to ensure that we have a uniform and comprehensive approach to ensuring accessibility to all Commission events in order to meet the Rehabilitation Act Section 504 requirements. As a federal entity, this is our mandate. I agree that in order to maintain that uniform approach, we need to periodically review the Commission's current policies and practices every three years in order to take into account any relevant technological advances. Again, I want to thank you for your time on this very important issue.





APPENDIX B

Braille Sample Page

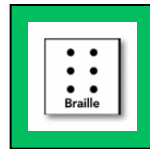
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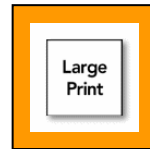
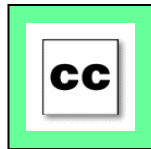


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