Federal Communications Commission

Section 504

Programs & Activities Accessibility Handbook

4th Edition

Federal Communications Commission · Consumer & Governmental Affairs Bureau
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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.

Introduction

Section 504 Handbook

The 4th edition of the *Federal Communications Commission Section 504 Programs & Activities Accessibility Handbook* (*Section 504 Handbook*) continues to be a collection of guidelines, information, and procedures intended to help Commission personnel in their efforts to ensure that the FCC's programs and activities are accessible to individuals with disabilities.

It would be impossible to list all the aspects of the Commission's work that may require reasonable accommodation for individuals with disabilities, but the following sections can provide general guidance and reminders to assist Commission staff in promoting awareness of the Commission's commitment to accessibility and fostering an attitude of inclusion in all FCC activities.

Section 504 of the Rehabilitation Act[1]

Section 504 of the Rehabilitation Act of 1973, as amended, prohibits federal agencies, and other programs and activities receiving federal financial assistance, from discriminating against individuals with disabilities.[2]

The Rehabilitation Act is sometimes confused with the Americans with Disabilities Act (ADA)[3] 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, the Rehabilitation Act covers federal agencies and entities receiving federal funding, while the ADA applies to state and local governments, public accommodations, commercial facilities, transportation, telecommunications, and the U.S. Congress.[4]

[1] 29 U.S.C. § 794

[2] 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.

[3] 42 U.S.C. § 12101 *et seq.*

[4] 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 .

Basic Principles of Access

The starting point for providing access is simple courtesy and common sense. In order to ensure that all interested individuals with disabilities have access to the Commission's programs and activities, we must first be alert to the access needs of people with disabilities. Once an accessibility issue is recognized, we can focus on providing an appropriate accommodation. It is when people with disabilities are overlooked as potential or actual consumers that barriers are raised. And, ironically, it is these often unintended barriers that can be the hardest to overcome. Remembering the following principles when planning and implementing Commission activities and programs can help ensure that access is available to all who want to participate.

- The Commission, its programs, and its activities MUST be accessible. This is mandated by statute and by FCC rules.[5]
- When meetings or events are scheduled, the event planner, or person calling the meeting, is responsible for ensuring accessibility. The Commission's Section 504 Officer[6] 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. 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.

[5] 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*.

[6] For specific contact names, phone numbers, and e-mail addresses, see page 8 of this *Handbook*.

FCC
Points of Contact

Requests for Access Services

Requests for access services (also called reasonable accommodations) for individuals with disabilities (for FCC programs and activities) should **IMMEDIATELY be forwarded to the Section 504 Officer, Helen.Chang@fcc.gov, 202-418-0424 / 202-418-0432, tty**. Be sure to provide the requestor's contact information (name, telephone number, and/or e-mail address) as well as a description of the specific accommodation requested.

The Commission's general point of contact for reasonable accommodation requests is:

E-mail: FCC504@fcc.gov
Phone: 202-418-0530
TTY: 202-418-0432

Accessibility Resources:

Service:	Contact:
Accessible Format Braille / Large Print / Electronic Files / Audio Format Transcription of documents submitted in accessible format into print	Terry Pacheco, Accessible Formats Specialist Consumer & Governmental Affairs Bureau 202-418-7512 Terry.Pacheco@fcc.gov
Captioning Assistive Listening Devices (ALDs)	Jeffrey Riordan Audio Visual Production Office of Media Relations 202-418-0460 Jeffrey.Riordan@fcc.gov / CMRstaff@fcc.gov
Access Sign Language Interpreters CART (Communication Access Realtime Translation) Physical Access Transcription of sign language video submissions into English	Helen Chang, Section 504 Officer Consumer & Governmental Affairs Bureau 202-418-0424 / 202-418-0432 tty Helen.Chang@fcc.gov

Requests for Access Services (continued)

Additional Accessibility/Disability Information Resources:

Disability Issues:	Contact:
Disability Regulations / Legal Issues	Gregory Hlibok, Chief, Disability Rights Office Consumer & Governmental Affairs Bureau 202-559-5158 voice or vp / 202-418-0431 tty Gregory.Hlibok@fcc.gov
Section 501 Issues Workplace accommodations for FCC staff who have temporary or permanent disabilities	Linda Miller, EEO Program Manager Office of Workplace Diversity 202-418-2581 Linda.Miller@fcc.gov
Section 504 Issues Reasonable accommodations for people with disabilities Information about disabilities	Helen Chang, Section 504 Officer Consumer & Governmental Affairs Bureau 202-418-0424 / 202-418-0432 tty Helen.Chang@fcc.gov
Section 508 Issues Access to electronic data, resources, and equipment	Rebecca Lovley, Section 508 Program Manager Office of Managing Director 202-418-1957 Rebecca.Lovley@fcc.gov
Security Issues	Frederick Bucher, Manager Security Operations Center 202-418-7884 • Frederick.Bucher@fcc.gov (when sending e-mail, please cc: Mary Harmon, Mary.Harmon@fcc.gov)
FCC University	Curtis Everett, Chief Learning Officer Learning and Development Service Center Office of Managing Director 202-418-0294 Curtis.Everett@fcc.gov
Other Disability Issues	Helen Chang, Section 504 Officer Consumer & Governmental Affairs Bureau 202-418-0424 / 202-418-0432 tty Helen.Chang@fcc.gov

Section 504 E-mail Box

FCC504@fcc.gov is the e-mail address used for disability-related accommodations requests.

The Section 504 Officer:

- Is the “owner” of this mailbox
- May approve additional staff as back-ups
- May grant access to this mailbox as needed

To obtain access to the mailbox:

- The Section 504 Officer must contact the ITC Service Center to request access for staff
- Staff receiving access should contact the ITC Service Center to initiate access and configure MS Outlook

Accessibility Statements

Model accessibility statements are provided below. They may be revised to match the specific circumstances of an event or document. Please contact the Commission's Section 504 Officer (contact information on page 8) for further assistance in determining your accommodation needs. Make sure the statement you choose ACCURATELY reflects the services being provided.

FOR MEETINGS IN GENERAL

Reasonable accommodations for people with disabilities are available upon request. Include a description of the accommodation you will need and tell us how to contact you if we need more information. Make your request as early as possible. 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).

FOR MEETINGS THAT WILL BE CAPTIONED

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 and tell us how to contact you if we need more information. Make your request as early as possible. 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)

FOR MEETINGS WHERE FULL ACCOMMODATIONS ARE BEING PROVIDED

The meeting site is fully accessible to people using wheelchairs or other mobility aids. Sign language interpreters, open captioning, and assistive listening devices will be provided on site. Other reasonable accommodations for people with disabilities are available upon request. Include a description of the accommodation you will need and tell us how to contact you if we need more information. Make your request as early as possible. 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).

[If the meeting will be webcast with open captioning, include the URL and add the following: The meeting will be webcast with open captioning.**]**

FOR DOCUMENTS

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 202-418-0530 (voice), 202-418-0432 (tty).

Accessibility Best Practices

General Best Practices

The FCC's Section 504 Officer is available for consultation and assistance (contact information on page 8).

FCC Events[7]

- For FCC events, the Commission is responsible for acquiring accommodations for people with disabilities. Individuals with disabilities who attend an event are responsible for requesting the accommodations they need.
- Make sure that event publicity includes an Accessibility Statement[8] that accurately reflects the accommodations that will be provided, and/or a Statement that explains how to submit requests for accommodations.
- Accommodations for Commission events may be acquired from outside vendors or may be available from staff. In either case, as much advance notice as possible is appreciated. Keep in mind that last minute requests may be impossible to fill.
- Event registrants may send their accommodation requests to the FCC504@fcc.gov mailbox, the FCC504 voice mail at 202-418-0530, or staff assigned to collect responses. If accommodation requests are sent to staff assigned to collect responses, the requests should be forwarded **immediately** to the FCC's Section 504 Officer.
- Print name tents for presenters and panelists. This will make identification of participants easier for all.
- Assign moderators to any discussion or panel presentations.
    - Coordinate participant introductions. Ask participants to always identify themselves before beginning their comments. This can be especially helpful during teleconferences.
    - Recognize individuals who wish to speak. Avoid having several people speaking at once.
    - Remember that interpreters, captioning, CART, or other mediated services will be several seconds behind speakers since they must hear the information, transform it into the appropriate medium, and then transmit the output. As a result, individuals relying on these services will experience a time lag. Make sure there is ample time for everyone to comment or pose questions.
- Designate staff to be available to assist attendees as needed.
- Notify the Security Operations Center if you expect visitors with disabilities. Advance notice allows the Operations Center to assign sufficient security staff to screen visitors. Security Officers can also prepare for alternate communication modes and assistive devices that may require special attention when going through security screening.
    - Assistive devices such as cochlear implants (used 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.

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[7] In this context, events include public meetings, ceremonies, celebrations, or other occasions where general attendance is expected.

[8] Sample Accessibility Statements can be found on page 11.

General Best Practices (continued)

For FCC Meetings[9]

- When planning meetings, the person or entity calling the meeting is responsible for acquiring appropriate accommodations for people with disabilities. Individuals with disabilities who attend a meeting are responsible for requesting the accommodations they need. When accommodations are requested, inform the Section 504 Officer immediately.
- Accommodations for meetings may be acquired from outside vendors or may be available from staff. In either case, as much advance notice as possible is appreciated. Keep in mind that last minute requests may be impossible to fill.

For Fire Drills, Evacuations, & Emergencies

- 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. Announcements or instructions passed by word of mouth are also likely to be missed by a person who is deaf or hard of hearing. Be willing to pass along information as you are able, including writing notes, gesturing, etc.
- 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 individuals who appear to have vision problems, ask if they would like help. If they accept your offer of assistance, ask them how they would like to proceed.
- Remember that people who are blind cannot see you approaching. 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 them 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, if such services are needed, contact one of the safety monitors stationed in the elevator lobbies for assistance. Consult the *Emergency Procedures* document on the FCC intranet (http://intranet.fcc.gov/omd/ao/safety) for more detailed instructions.
- 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.
    - 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.

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[9] In this context, “meetings” are discussions or interactions not open to the public. Attendees are invited and are known in advance of the meeting.

Access for People with Mobility Disabilities

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).[10] 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."[11]

Make sure that meeting publicity includes an Accessibility Statement[12] that accurately reflects the accommodations that will be provided, and/or a Statement that explains how to submit requests for accommodations.

- When choosing a facility outside Portals, make sure the building meets Federal Accessibility Guidelines as cited above.
- Keep aisles and doorways clear. Do not block pathways with boxes, furniture, or other obstacles.
- Establish aisles that are wide enough to accommodate wheelchairs and other mobility aids.
- Allow space for wheelchairs, scooters, etc. within the general seating area if possible.
- If participants are seated at tables, make sure the tables are tall enough to allow wheelchairs to fit.
- Where there is a stage or raised area, provide ramped access.
- When using podiums, consider the height of the podium in relation to each speaker's height, including those who use wheelchairs or scooters.
- If audience members are expected to make comments or ask questions from microphones placed in the aisles, make sure there is an alternative for audience members who have difficulty standing or who cannot easily navigate to the microphones. Ensure that instructions to the audience include information on how those who opt to use an alternative method can indicate their desire to speak and be appropriately included in the queue.
- If cards are used to collect questions or comments from the audience, moderators should inform the audience of the process for acquiring cards. Staff should be available to deliver cards to individuals and should be willing to assist individuals who have difficulty using or holding writing materials.
- If participants are expected to pick-up documents, food, etc. during an event, make sure staff are available to assist those who might have difficulty reaching or holding items. When placing items on tables, consider the reach of individuals using wheelchairs or who are of short stature.

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[10] The Access Board, Accessibility Guidelines and Standards, *Uniform Federal Accessibility Standard (UFAS)*, http://www.access-board.gov/guidelines-and-standards/buildings-and-sites/about-the-aba-standards/ufas .

[11] *Id.,* Section 1 "Purpose."

[12] Sample Accessibility Statements can be found on page 11.

Access for People with Mobility Disabilities (continued)

- If individuals attending meetings on the TW level of the Portals II building are expected to use the meeting rooms on the Library level of the building, make sure that the lift is working and that the key to the lift is available on both the Commission Meeting Room side and the Library side of the lift.
- Recognize that it is impossible to anticipate every conceivable need. Be flexible. Be ready to address individual requests for accommodation as they arise. Do not assume that all people with similar disabilities will want identical accommodations. Use common sense and courtesy. If you are unsure what to do, ask the individual requesting accommodations for guidance.

Access for People who are Deaf or Hard of Hearing

Contact the Section 504 Officer (contact information on page 8) for guidance on the provision and acquisition of access services for people who are deaf or hard of hearing. In general, events that focus on matters of particular interest to the deaf and hard of hearing communities will need both captioning and interpreting services.

Make sure that meeting publicity includes an Accessibility Statement[13] that accurately reflects the accommodations that will be provided, and/or a Statement that explains how to submit requests for accommodations.

- Make your requests for accommodation services with as much advance notice as possible.
  - If events are webcast, they must be captioned. If captioning is acquired for a webcast, make sure the captions are also available to attendees in the meeting room. Contact the Audio Visual Production staff to request captioning services (contact information on page 8).
  - If CART (Communication Access Realtime Translation) is requested, contact the FCC's Section 504 Officer to make arrangements. CART is like captioning in that it converts spoken word into text. However, unlike captioning, it is presented as a text stream and is not embedded within other visual media. CART is often used for meetings where the text output is displayed on a laptop, monitor, or projection screen.
  - If sign language interpreters or other communication access services have been requested for a meeting, contact the FCC's Section 504 Officer (contact information on page 8) to make arrangements.
- When audience members who are deaf or hard of hearing are expected, maintain clear lines of sight to captioning, sign language interpreters, and other visual displays. Consider reserving seats with optimal sightlines for such audience members. Do not assume that all people who are deaf use American Sign Language. Recognize that there is diversity in the accommodations used by members of the deaf and hard of hearing community. Individual preferences vary. For example, some individuals rely primarily on interpreters while others use mostly captions or CART, and yet others depend entirely on amplification. It is also common for individuals to use a variety of accommodations in tandem, for example, amplification plus speechreading,[14] or both sign language interpreters and captioning.
- If there are speakers who are deaf or hard of hearing as well as audience members who are deaf or hard of hearing, ensure that captioning, sign language interpreters, and other visual displays are visible to both the speakers and the audience.

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[13] Sample Accessibility Statements can be found on page 11.

[14] While many people use the word "lipreading," experts consider the term to be inaccurate. "Speechreading" is the more appropriate term for the process of understanding speech through visual perception of spoken language. For more information about speechreading, see the Gallaudet University Laurent Clerc National Deaf Education Center website: http://clerccenter.gallaudet.edu/Clerc_Center/Information_and_Resources/Info_to_Go/Language_and_Literacy/Spoken_language_development/Resources_to_Develop_Speechreading_Skills.html .

Access for People who are Deaf or Hard of Hearing (continued)

- Make sure that assistive listening devices with neckloops (for people with hearing aids) and ear buds are available. The Commission Meeting Room is equipped with a fixed FM listening system. There are also 2 portable FM systems that can be used throughout the building and at remote locations. Contact the Audio Visual Production staff to request captioning services (contact information on page 8).
- When microphones are provided, make sure that everyone uses them. For meetings in the Commission Meeting Room, using the microphones will ensure that amplification is provided for everyone in the room, the assistive listening system, and the captioners. Captioners and those relying on the assistive listening system can only hear what is broadcast through the sound system, so it is vital that all participants use a microphone when speaking.
- In some cases, people who are hard of hearing will bring their own assistive listening devices, typically, small microphones. Whenever possible, speakers should comply with participant requests to use such amplification devices.
- End meetings on time. Accommodation services (e.g., sign language interpreters, captioning, CART) are scheduled according to the timeframes requested. If events run long, the service provider can be asked to stay, but there is no guarantee that accommodation providers can extend their time on the spur of the moment.
- Sometimes sign language interpreters are present at events where it is not clear that there are audience members who need their services. Feel free to ask the interpreters for their advice and guidance. If there is still doubt as to whether interpreting services are needed, the moderator can, as part of the opening statement, ask participants if interpreting services are needed. The interpreters will, of course, need to interpret the moderator's statement. Sample wording could be:

  Sign language interpreters are available for this meeting. If you need their services, please make yourself known to them*.*

  [If there are individuals in the audience who are deaf or hard of hearing, proceed with the meeting and the interpreters will interpret for the event. If no one acknowledges a need for interpreting services, continue by saying:]

  The interpreters will be available at the back of the room *[or other designated location]* ***for anyone who needs them.***

  [Station the interpreters at the designated location, preferably near the entrance or check-in point, with a sign identifying them as sign language interpreters. When the meeting coordinators feel certain their services will not be needed, the interpreters can be dismissed.]

  NOTE: This bullet does not apply to Commission Open Meetings. For Open Meetings, the interpreters are always expected to interpret for the meeting.
- Recognize that it is impossible to anticipate every conceivable need. Be flexible. Be ready to address individual requests for accommodation as they arise. Do not assume that all people with similar disabilities will want identical accommodations. Use common sense and courtesy. If you are unsure what to do, ask the individual requesting accommodations for guidance.

Access for People who are Blind or have Low Vision

Contact the Section 504 Officer (contact information on page 8) for guidance on the preparation and acquisition of accessible format documents. The Commission can supply materials in large print, accessible electronic formats, audio (electronic files, CDs, or cassette tapes), and Braille (via outside vendors). Documents are produced on demand, so sufficient time to complete format conversions must be provided.

Make sure that meeting publicity includes an Accessibility Statement[15] that accurately reflects the document formats that will be available, and/or a Statement that explains how to submit requests for accessible format documents.

- Make sure that documents released electronically are in an accessible format such as MSWord, HTML, or ASCII text.
- Print documents distributed on-site should also be available, as appropriate, in accessible formats such as large print, audio, accessible electronic files, and/or Braille. When possible, ask individuals who are blind or have low vision what format they prefer. Do not assume that all people who are blind use Braille.
- Make sure staff are available to assist participants who are blind or have low vision and have navigation needs. When approaching an individual who appears to need assistance, introduce yourself and ask if help is desired. If help is wanted, offer your arm by touching the individual's arm with yours. Let the individual take your arm (do not grab, pull, or push). If you are uncertain about what to do, ask the person how they would like to proceed. Be ready to guide them to their desired destination, verbally describe the room set-up, or give directions to other locations.
- If there is assigned seating, make sure staff are ready to help participants locate their seats.
- If there are displays, items to be picked-up, refreshments, etc., station staff near such areas and make sure they are ready to help anyone who needs assistance. Participants who are blind or have low vision may not be able to see the options that are available, so staff should be ready to describe what is displayed and to assist participants with selecting and transporting items to their seats.
- If audience members are expected to make comments or ask questions from microphones placed in the aisles, make sure there is an alternative for audience members who cannot easily navigate to the microphones. Ensure that instructions to the audience include information on how those who opt to use an alternative method can indicate their desire to speak and be appropriately included in the queue. If audience members need assistance in navigating to aisle microphones, staff should be ready to provide guidance.
- If cards are used to collect questions or comments from the audience, moderators should inform the audience of the process for acquiring cards. Staff should be alert to blind and low vision attendees who may wish to participate and should be ready to assist them in writing their questions or comments

[15] Sample Accessibility Statements can be found on page 11.

Access for People who are Blind or have Low Vision (continued)

- Moderators should provide verbal descriptions of important event elements. For example:
  - Restroom location
  - Location of refreshments or services available during the event
  - Changes to distributed versions of agendas, handouts, or other materials
  - Other important visual information
- Moderators should introduce speakers and recognize people by name when they take the floor, or should instruct participants to identify themselves by name before they speak.
- Information on slides or other visual media should be presented verbally. Since blind participants cannot see slides or other media presentations, do not say, “As you can see from the slide….” Instead, describe any graphical representations shown and make sure that information presented on slides is incorporated into the spoken narrative.
- Recognize that it is impossible to anticipate every conceivable need. Be flexible. Be ready to address individual requests for accommodation as they arise. Use common sense and courtesy. If you are unsure what to do, ask the individual requesting accommodations for guidance.

Access for People who are Deaf-Blind

Contact the Section 504 Officer (contact information on page 8) for guidance on the provision and acquisition of access services for people who are deaf-blind. Such services are individualized to match the needs of the consumers in question.

Make sure that meeting publicity includes an Accessibility Statement[16] that accurately reflects the accommodations that will be provided, and/or a Statement that explains how to submit requests for accommodations.

- People who are deaf-blind have widely varying degrees of deafness and blindness. As a result, their access needs are equally varied. An accommodation that works for one deaf-blind person may not work for another.
- If you receive a request for deaf-blind services, collect as much information about the requestor's accommodation needs as possible. Be sure to note the requestor's name, contact information, and the specific services they require. Services that may be requested include:
  - Amplification – assistive listening devices that boost the audio enough to allow people who are deaf-blind to use their residual hearing.
  - Special lighting – the location, angle, and intensity of lighting have a significant impact on individuals' abilities to use their residual vision.
  - Special seating – seats that are positioned to allow people who are deaf-blind to use their residual vision to see the speakers, interpreters, or read captioning/CART displays.
  - Close Vision Interpreters – sign language interpreters who sit close to a deaf-blind person and interpret within the individual's field of vision.
  - Tactile Interpreters – sign language interpreters who sign or spell into the hand or hands of the person who is deaf-blind.
- Be prepared to rearrange chairs so that participants who are deaf-blind can maximize access to the services they need. This is especially significant if there are tactile or close vision interpreters involved.
- Be aware that some close vision and tactile interpreters are themselves deaf. Deaf interpreters take in information visually from other interpreters or signing participants and interpret the information to individuals who are deaf-blind.
- Keep in mind that not all people who are deaf-blind use Braille.
- Be patient. Realize that when individuals have disabilities affecting both vision and hearing, it means that both visual and auditory information must be conveyed to them. This takes time. Be prepared for communication to proceed more slowly than usual.
- Recognize that it is impossible to anticipate every conceivable need. Be flexible. Be ready to address individual requests for accommodation as they arise. Use common sense and courtesy. If you are unsure what to do, ask the individual requesting accommodations for guidance.

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[16] Sample Accessibility Statements can be found on page 11.

Access for People with Speech Disabilities

Contact the Section 504 Officer (contact information on page 8) for guidance on the provision and acquisition of access services for people with speech disabilities.

Make sure that meeting publicity includes an Accessibility Statement[17] that accurately reflects the accommodations that will be provided, and/or a Statement that explains how to submit requests for accommodations.

- Regardless of the severity of the 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. If you are unsure, but think you understand part of what has been said, repeat what you thought you heard and ask for confirmation.
- Allow individuals to complete their thoughts; do not attempt to end sentences for them. If you do not understand what has been said, admit it and ask for a repetition. When a person with a speech disability is using a re-voicer (a person who repeats in clear speech what individuals with speech disabilities have said), speak directly to the individual, not to the re-voicer.
- Recognize that it is impossible to anticipate every conceivable need. Be flexible. Be ready to address individual requests for accommodation as they arise. Use common sense and courtesy. If you are unsure what to do, ask the individual requesting accommodations for guidance.

[17] Sample Accessibility Statements can be found on page 11.

Access for People with Other Disabilities

As much as individuals vary from one to another, so too do disabilities manifest themselves differently in each individual. You may encounter people who have disabilities that are unfamiliar to you, or who have combinations of disabilities that are unique. Feel free to contact the Section 504 Officer for guidance (contact information on page 8) as needed.

Make sure that meeting publicity includes an Accessibility Statement[18] that accurately reflects the accommodations that will be provided, and/or a Statement that explains how to submit requests for accommodations.

- Always remember to focus on the person first, not his or her disability.
- Recognize that it is impossible to anticipate every conceivable need. Be flexible. Be ready to address individual requests for accommodation as they arise. Use common sense and courtesy. If you are unsure what to do, ask the individual requesting accommodations for guidance.

[18] Sample Accessibility Statements can be found on page 11.

Audio-Visual Media Produced or Owned by the FCC

Video Formats

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 ensure that captioning is added at the earliest opportunity.

Video description

- Video description is encouraged for visual media held or produced by the Commission.

Audio recordings

Audio recordings owned by the Commission 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 discuss your media options…

Contact the Audio Visual Production staff and the FCC's Section 504 Officer (contact information on page 8).

Contracting and Acquisitions

All Commission programs and activities must be accessible to people with disabilities. This includes programs and activities offered by the Commission through contracts or other arrangements.[19] 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 to such programs or activities is explicitly required in the statement of work.

FCC Training

All FCC sponsored training must be accessible to people with disabilities. Training announcements should include an accessibility statement. Sample accessibility statements can be found on page 11.

FCC University

To request reasonable accommodations for FCC University courses, contact the Chief Learning Officer (contact information on page 9).

FCC contracted training

Entities contracting with the FCC to provide training must comply with the requirements of the Rehabilitation Act and the FCC's Section 504 Rules. It is expected that trainers will:

- Use only captioned video media.
- Comply with reasonable accommodation requests from students including, but not limited to:
  - Providing print materials in Braille, large print, or accessible electronic format
  - Reading or describing visual objects, displays, or projections used in class
  - Arranging the classroom to allow appropriate lines of sight and/or physical access
  - Providing transcripts of any audio media used in connection with the class
  - Supplying a print alternative for oral quizzes or tests
  - Supplying an audio, accessible print, or accessible electronic version of print quizzes or tests

External training

Commission employees participating in external training must complete Standard Form 182 (available at www.fccuniversity.gov). The "Comments" field at the end of the form can be used to note reasonable accommodation needs. It is generally the responsibility of entities offering training to provide reasonable accommodations upon request. It is the employee's responsibility to make his/her reasonable accommodation needs known.

[19] 47 C.F.R. § 1.1830(b)(3)-(6).

More About Accommodations

Tips for Using Sign Language Interpreters

- Speak clearly in a normal tone of voice and at a natural pace; do not exaggerate lip movements (if the person who is deaf or hard of hearing has speechreading/lipreading skills, exaggerated mouth movements will distort rather than enhance understanding).
- Make sure there is adequate lighting. Avoid lighting that places shadows on the interpreter or that makes it difficult to see the interpreter's hands and face – for example, do not use a window or other bright/glaring light as a backdrop for the interpreter. Instead, try to direct the light onto the interpreter's face and hands so that they can be clearly seen.
- 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 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 prior to the start of the meeting.
- Speak directly to the person who is deaf or hard of hearing. Avoid asking the interpreter to "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 the interpreter's attention.
- In large gatherings where microphones are used, make sure that the interpreters have microphones as well as clear lines of sight to the speaker(s) who are deaf or hard of hearing. Allow time before the start of the presentation for the interpreters and the speaker(s) to meet and discuss details of the interpretation process.
- Events lasting one hour or more will usually require two interpreters. A team of two interpreters increases accuracy and lessens the mental and physical strain associated with 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 or hard of hearing. They are the experts on what will work best for them.
- Use the term "interpreter," not "signer," as interpreting is a complex process that involves much more than the ability to "sign."

For more information about sign language interpreters, go to:

Registry of Interpreters for the Deaf (RID), "Practice of Interpreting"
http://rid.org/interpreting/practice/index.cfm

TTYs

TTYs were first developed in the 1960s. They are telecommunications devices that include a keyboard, text display, and sometimes a printer. TTY was originally the abbreviation for TeleTYpewriter and is the preferred term for these devices, though they are sometimes also called TDDs (Telecommunications Devices for the Deaf) or TTs (Text Telephones). TTYs allow individuals with speech or hearing disabilities to communicate by typing their messages over a telephone connection.

In addition to stand-alone TTYs, computers with appropriate software can be used as TTYs. As Internet access has increased, TTY use has decreased. Many users now prefer using Internet-based communications methodologies such as e-mail, instant messaging, and video communication technologies.

TTYs Used Within the FCC

- Offices that have TTYs should ensure their TTY numbers are disseminated along with their standard voice telephone numbers.
- If an office does not have a TTY number, do **NOT** use the Consumer Inquiries and Complaints Division's (CICD's) TTY number (1-888-TELL FCC, 1-888-835-5322) as a substitute for an Office, Bureau, or Division TTY number. It is better to use only a voice number than to mislead callers into thinking they are calling a specific office, when they are actually contacting the CICD Call Center.
- TTY answering machines should have messages similar to those recorded on comparable voice mail systems.
- TTYs should be monitored with the same frequency as comparable voice mail systems.
- For technical assistance with TTYs, contact the Telecommunications Manager in the Office of Managing Director (OMD).[20]
- If messages received via TTY are difficult to understand – English may not be a first language for some TTY users – contact the FCC's Section 504 Officer (contact information on page 8) for assistance.

For more information about TTYs, go to:

National Association of the Deaf, Issues & Resources, Technology, Telephone and Relay Services, Relay Services, "TTY and TTY Relay Services"
http://www.nad.org/issues/telephone-and-relay-services/relay-services/tty

Gallaudet University, Technology Access Program, "TTYs and TTY Compatibility"
http://tap.gallaudet.edu/Text/tty.asp

[20] For specific contact information, check the FCC departmental telephone and e-mail directories.

Videophones

Videophones (VPs) are telephones that have video capability. They permit the caller to send and receive both audio and video signals.

Within the deaf and hard of hearing communities, VPs have become increasingly popular, especially for those who prefer to use sign language rather than text or voice.

VP users who wish to contact standard telephone users can do so by using video relay services (VRS), a form of telecommunications relay service regulated by the FCC. To learn more about VRS and other relay services, go to the FCC's website at:
http://www.fcc.gov/encyclopedia/telecommunications-relay-services-trs .

Keep in mind that VRS and TRS calls to the Commission must be handled in the same way that voice telephone calls are managed. DO NOT hang up if you receive a call that is identified as a relay call. Respond to the caller in the same way you would reply to a standard telephone call.

Visitors and staff are welcome to use the FCC's public videophone in the Portals II building. The VP is located on the TW level near the library, opposite room TW-C417.

Assistive Listening Devices

Assistive Listening Devices (ALDs) are also sometimes referred to as, Hearing Assistive Technology Systems (HATS). They operate in various ways – some use infrared signals, others use FM frequencies, and still others use loop systems that consist of wires embedded in the structure of the room. Regardless of the technology employed, ALDs are used to amplify sound in a way that allows people with hearing loss to maximize the use of their residual hearing.

The equipment required to use an ALD can also vary. Some systems use dedicated microphones along with either earbuds or neckloops, while others can take advantage of a room's built-in sound system and the reception capabilities of a user's hearing aid.

For more information about ALDs/HATS, go to:

American Speech-Language-Hearing Association
http://www.asha.org/public/hearing/treatment/assist_tech.htm

To request use of the FCC's ALDs, contact the AV Production Staff (contact information on page 8).

Captioning

Captioning converts spoken word into text for media such as television, film, and web video. Captioning can be open or closed.

Open captioning is always visible – this is the form of captioning that is used for programs held in the FCC's Commission Meeting Room.

Closed captioning can be turned on and off. When closed captioning is on, the captions are visible. When closed captioning is off, the captions are not visible. This is the form of captioning that is used in most television programming.

To request captioning for FCC events, contact the AV Production Staff (contact information on page 8).

For more information about captioning, go to:

National Institute on Deafness and Other Communication Disorders (NIDCD), Captions for Deaf and Hard-of-Hearing Viewers
https://www.nidcd.nih.gov/health/hearing/pages/caption.aspx

CART (Communication Access Realtime Translation)

CART, like captioning, converts spoken word into text. However, unlike captioning, it is presented as a text stream and is not embedded within other visual media. CART is often used for meetings where the text output is displayed on a laptop, monitor, or projection screen.

For more information about CART, go to:

National Court Reporters Foundation, CART Community - Home
http://www.ncra.org/Membership/content.cfm?ItemNumber=9032&navItemNumber=11438

To request CART services, contact the FCC's Section 504 Officer (contact information on page 8).

Sign Language Interpreters

Sign language interpreters in the U.S. generally interpret spoken English into American Sign Language (ASL) and ASL into spoken English.[21] Interpreters must be fluent in both English and ASL. They must also be able to interpret conversations in a continuous stream. That is, they must be able to listen to (or watch, in the case of ASL) what is being said, understand the message, translate it into another language, speak or sign the message as appropriate, and simultaneously continue to absorb new information, process, and deliver it to the target audience.

For more information about sign language interpreters, go to:

Registry of Interpreters for the Deaf (RID), "Practice of Interpreting"
http://rid.org/interpreting/practice/index.cfm

To request sign language interpreters, contact the FCC's Section 504 Officer (contact information on page 8).

Oral Interpreters/Transliterators

Oral interpreters are sometimes also called oral transliterators because they receive information in English and produce output in English as well (unlike interpreters who generally receive information in one language and translate the information into a different language). Oral interpreters/transliterators are skilled in the techniques of mouthing words clearly and effectively so that people who are skilled in lipreading or speechreading[22] can understand what is being said by watching the interpreter's face, body language, and lips.

For more information about oral interpreting/transliterating, go to:

Registry of Interpreters for the Deaf (RID) Standard Practice Paper on Oral Transliteration
http://www.rid.org/UserFiles/File/pdfs/Standard_Practice_Papers/Drafts_June_2006/Oral_Transliteration_SPP.pdf

To request oral interpreters/transliterators, contact the FCC's Section 504 Officer (contact information on page 8).

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[21] American Sign Language (ASL) is one of the world's many signed languages – each country has its own signed language (or languages), just as it has its own spoken language (or languages).

[22] While many people use the word "lipreading," experts consider the term to be inaccurate. "Speechreading" is the more appropriate term for the process of understanding speech through visual perception of spoken language. For more information about speechreading, see the Gallaudet University Laurent Clerc National Deaf Education Center website:
http://clerccenter.gallaudet.edu/Clerc_Center/Information_and_Resources/Info_to_Go/Language_and_Literacy/Spoken_language_development/Resources_to_Develop_Speechreading_Skills.html .

Cued Speech

Cued speech is a phonetically based visual communication system. It is not a form of sign language. Cued Speech transliterators employ 8 handshapes in 4 different locations near the mouth to represent sounds used in spoken English. Cued speech is generally used as an adjunct to speechreading.[23]

For more information about Cued Speech, go to:

National Cued Speech Association
http://www.cuedspeech.org

To request cued speech transliterators, contact the FCC's Section 504 Officer (contact information on page 8).

Braille

Braille was invented in 1809 by a 15-year-old French boy named, Louis Braille. He based his system on a "cell" composed of 6 raised dots. Each cell has 2 columns of 3 dots each. People are able to read Braille by feeling the pattern of raised dots with their fingers.

Most books are published in contracted Braille (also called Grade 2 Braille) which uses a system of contractions and short-form words to transcribe English text. Uncontracted Braille (also called Grade 1 Braille) uses one cell for each letter of the alphabet.

According to the National Federation of the Blind, the number of Braille readers in the United States has been declining. Today, of the number of Americans who are legally blind, only 10% are Braille readers.[24]

For more information about Braille, go to:

American Federation of the Blind, "What is Braille?"
http://www.afb.org/Section.asp?SectionID=6&TopicID=199

To request Braille versions of FCC documents, contact the FCC's Section 504 Officer (contact information on page 8).

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[23] While many people use the word "lipreading," experts consider the term to be inaccurate. "Speechreading" is the more appropriate term for the process of understanding speech through visual perception of spoken language. For more information about speechreading, see the Gallaudet University Laurent Clerc National Deaf Education Center website:
http://clerccenter.gallaudet.edu/Clerc_Center/Information_and_Resources/Info_to_Go/Language_and_Literacy/Spoken_language_development/Resources_to_Develop_Speechreading_Skills.html .

[24] National Federation of the Blind Jernigan Institute. *The Braille Literacy Crisis in America: Facing the Truth, Reversing the Trend, Empowering the Blind.*
https://nfb.org/images/nfb/documents/pdf/braille_literacy_report_web.pdf .

Print, Large Print, Electronic Formats

When producing print documents, choose a font style and size that is easy to read. 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. However, there is general agreement on the following principles:

- For electronic displays, sans serif fonts (fonts without the little "feet" attached to each letter) are considered easier to read, though with improved screen resolution, this may be less true now than it once was.[25]
- For large print materials, the size of type required will vary with the needs of the reader and with the font used.
- For generically produced large print items, use a sans serif font with a minimum font size of 16 to 18 points.[26] Some sources consider 14-16 point font to be "enlarged print" and 18 point and larger to be "large print."[27]
- Avoid using all uppercase letters for large blocks of text. Mixed case letters are easier to read.[28]
- 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.[29]
- Make sure that the document is available in an accessible electronic format, for example, ASCII text, MSWord, or HTML.[30]

To request large print copies or accessible electronic files of Commission documents, contact the FCC's Section 504 Officer (contact information on page 8).

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[25] For more information about Fonts, see: WebAIM: Web Accessibility in Mind, Articles, "Fonts": http://webaim.org/techniques/fonts .

[26] Lighthouse International, "Making Text Legible": http://www.lighthouse.org/accessibility/design/accessible-print-design/making-text-legible .

[27] American Printing House for the Blind, Inc., "APH Guidelines for Print Document Design": http://www.aph.org/edresearch/lpguide.htm .

[28] *Id.*

[29] *Id.*

[30] For more information about best practices, see the Section 508 website: http://section508.gov/best-practices .

Deaf-Blindness

People who are deaf-blind have widely varying degrees of both deafness and blindness. Even the spelling of the term, deaf-blind, varies. This *Handbook* will follow the example of the American Association of the Deaf-Blind (AADB)[31] and the Helen Keller National Center for Deaf-Blind Youths & Adults (HKNC)[32] and will use a hyphen between "deaf" and "blind."

In contrast, and in an approach that appears to be gaining popularity, Deafblind International (DbI),[33] a world association promoting services for people who are deaf-blind, as well as Deafblind UK,[34] a service and support organization for people who are deaf-blind in the UK, uses the single compound term, deafblind.

The accommodations used by people who are deaf-blind will frequently depend on the severity of their vision or hearing loss, as well as the order in which their sensory loss occurred. Individuals who become functionally blind before they become functionally deaf, will often share more similarities with the blind community while those who become functionally deaf before becoming functionally blind may have more in common with the deaf community.

Accommodations that are often requested by individuals who are deaf-blind include the following:

Variations in Lighting
Individuals who are deaf-blind are often very sensitive to lighting. The location, angle, and intensity of lighting have a significant impact on their ability to use the residual vision they have.

Amplification
Various assistive listening devices may be used to boost audio input enough to allow people who are deaf-blind to use their residual hearing.

Close Vision Interpreters
Individuals who use close vision interpreters have varying amounts of usable vision. For these consumers, interpreters are generally located very close to the individual in order to maximize the use of their residual vision. However, in some cases, individuals are not near-sighted, but instead have an impairment of their visual field. They may have tunnel vision, have only a small patch of clear vision, or have clear vision only at certain angles. For these individuals, interpreters may be situated further away or may need to keep their hand movements confined to a very small area. The interpreters' placement will be entirely dependent on the consumer's need.

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[31] http://www.aadb.org .
[32] http://www.hknc.org .
[33] http://www.deafblindinternational.org .
[34] http://www.deafblind.org.uk .

Deaf-Blindness (continued)

Tactile Interpreters

Tactile interpreters convey information through touch. Among the methods that tactile interpreters use are:

- Signing while the individual who is deaf-blind places one or both hands on the interpreter's hands or wrists
- Tracing the letters of words into the palm of the individual who is deaf-blind
- Fingerspelling the manual alphabet into the hand or hands of the individual who is deaf-blind

For more information about interpreting for people who are deaf-blind, go to:

Registry of Interpreters for the Deaf (RID) Standard Practice Paper, "Interpreting for Individuals Who are Deaf-Blind"
http://www.rid.org/UserFiles/File/pdfs/Standard_Practice_Papers/Drafts_June_2006/Deaf-Blind_SPP(1).pdf

For more information about Deaf-Blindness, go to:

American Association of the Deaf-Blind
http://www.aadb.org

National Center on Deaf-Blindness
http://www.nationaldb.org/index.php

To request deaf-blind accommodations, contact the FCC's Section 504 Officer (contact information on page 8).

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, artificial larynx, or augmentative and alternative communication (AAC) methods to help them be understood.

Regardless of the severity of the disability or the method of communication used, 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 individuals to complete their thoughts; do not attempt to end sentences for them. If you 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.

Accommodations that can be requested from the FCC

Re-voicers
Re-voicers are skilled at understanding people with speech disabilities. They are able to listen to what people with speech disabilities say and repeat their statements in clear speech.

Personal accommodations sometimes seen at the FCC

Augmentative and Alternative Communication (AAC)
Augmentative and alternative communication (AAC) includes pictures, communication boards, electronic aids, or any form of communication other than oral speech.

At the Commission, you will sometimes see individuals using computers that are able to produce synthesized speech. With these units, users can use combinations of keystrokes and commands to produce the speech desired.

For more information about AAC, go to:

American Speech-Language-Hearing Association, “Augmentative and Alternative Communication (AAC)”
http://www.asha.org/public/speech/disorders/AAC

Artificial Larynx
An artificial larynx is an electronic device that allows an individual without a larynx to speak intelligibly. The type of artificial larynx that is most commonly seen at the Commission is a compact device that looks somewhat like a small flashlight or microphone. It is held against the skin in the area of the neck and converts vocal vibrations into audible speech.

For more information about artificial larynxes, go to:

WebWhispers, “Electrolarynx”
http://www.webwhispers.org/library/Electrolarynx.asp

To request re-voicers, contact the FCC’s Section 504 Officer (contact information on page 8).

Video Description

Video description adds verbal depiction of key scenes and actions within television programs, movies, or other video presentations. By listening to video descriptions, people who are unable to see the images and actions portrayed on the screen are better able to follow what is happening. Without video description, a viewer who is blind would only hear the soundtrack and would not know that on camera, a man has just silently broken into an office and is now hiding behind the floor length drapes or that a dog is playfully chasing a ball or that young lovers are gazing adoringly at one another. With video description, skilled description writers are able to capture the look and feel of actions and scenes in words that are subsequently read by video describers. The description is then inserted onto the soundtrack when there are pauses in the program dialog or narration.

The term, “audio description,” has been used for many years to refer to this process when applied to in-person events such as plays or museum tours. Audio description is also sometimes used as a synonym for video description. Descriptive narration or descriptive video are other terms that are occasionally used.

When referring to the description of media within its regulatory authority, the FCC currently uses the term, “video description.”

For more information about video description, go to:

Federal Communications Commission, FCC Encyclopedia, Video Description
http://www.fcc.gov/encyclopedia/video-description

Media Access Group at WGBH, Descriptive Video Service (DVS)
http://main.wgbh.org/wgbh/pages/mag/description.html

Transcription of Alternative Format Submissions

There are occasions when information submitted to the Commission in an alternative format must be transcribed into standard written English. Situations that warrant this process include complaints about discrimination based on disability,[35] information related to FCC investigations, and other matters so designated by the Commission.

When transcribing such submissions, the following guidelines should be followed.

Audio to Text

- Audio transcripts should accurately render information heard in audio recordings.
- Whenever possible, transcripts should be reviewed for accuracy by someone other than the transcriber.

Braille to Print

- Braille transcripts should be produced by a certified Braille transcriber. Information on the certification process can be found at: https://nfb.org/braille-transcribing .
- Braille transcribers were historically certified through the Library of Congress, National Library Service for the Blind and Physically Handicapped (NLS). In 2007, a contract was awarded to the National Federation of the Blind (NFB) to administer the National Braille Transcribing and Proofreading Certification Program.[36] However, the Librarian of Congress and the NLS Director still authorize and issue the certifications awarded to Braille transcribers and proofreaders.[37]

Video ASL to English

- Video transcripts should be produced by qualified transcribers, i.e., certified sign language interpreters or fluent bilingual users of ASL and English.
- The Registry of Interpreters for the Deaf (RID)[38] is the national certifying body for sign language interpreters.
- Whenever possible, transcripts should be reviewed for accuracy by a qualified transcriber other than the original transcriber.

Information submitted in alternative formats that require transcription should be directed to the FCC's Section 504 Officer (contact information on page 8).

[35] 47 C.F.R. § 1.1803.

[36] http://www.loc.gov/nls/newsreleases/archive/2006-12-12.html .

[37] http://www.loc.gov/nls/bds/index.html .

[38] http://rid.org .

Comments on FCC Proceedings Filed in Alternative Formats

The Commission does not translate or transcribe the content of comments submitted on Commission proceedings. Comments that are submitted in an alternative format are filed in the format in which they are received. If the commenter includes a print transcript or summary of the information contained in the alternative format document, it will be filed with the submission.

Comments must be identified with a label or other accompanying document that provides, in print, the commenter's name, address, and the docket number associated with the comment.

Additional Resources

Disability Terminology

People First

When writing or talking about disabilities, use "**people first**" terminology whenever possible.

Use: People with disabilities
Individual with autism
Child with diabetes
Student with an intellectual disability
Consumer with mental illness
Person with AIDS / Person living with AIDS

Avoid: Group labels such as:
The autistic
The deaf and dumb
The mentally retarded[39]
The crippled

Identity

Many people with disabilities consider their disability to be an integral part of their identity. They do not consider themselves to be "victims" of their disabilities or to "suffer" from their disabilities.

Use: "People first" terminology as described above

Avoid: Suffers from cerebral palsy
Is a stoke victim
Was a victim of hearing loss

Handicap vs. Disability

When referring to individuals with disabilities, use "disability" rather than "handicap." Many in the disability community see "Handicap" as a term evoking images of people begging "cap-in-hand."

Use: Disability

Avoid: Handicap

[39] Rosa's Law was signed on October 5, 2010 and requires that Federal legislation use the term "an intellectual disability" rather than "mental retardation" and the term "individuals with intellectual disabilities" rather "than individuals who are mentally retarded." The text of Rosa's Law can be found at: http://www.gpo.gov/fdsys/pkg/BILLS-111s2781enr/pdf/BILLS-111s2781enr.pdf .

Disability Terminology (continued)

Wheelchairs

Many wheelchair users point out that rather than being confining, their chairs allow them freedom of movement.

Use: Person who uses a wheelchair
Wheelchair user

Avoid: Wheelchairbound
Confined to a wheelchair

Hearing impaired vs. deaf / hard of hearing

The term, "hearing impaired," is often used in official documents to refer to people who are deaf or hard of hearing. However, many in the deaf and hard of hearing community strongly prefer the terms deaf, hard of hearing, or person with hearing loss. To them, the term "hearing impaired" implies that individuals with hearing loss are somehow "broken" and in need of repair.

Use: Deaf
Hard of hearing
Hearing loss

Avoid: Deaf-Mute
Deaf and Dumb

Vision loss

When referring to people with vision loss:

Use: People who are blind
People with low vision
People with visual impairments
People with visual disabilities

Deaf-blind, Deaf blind, Deafblind, or DeafBlind

There is no consensus on the proper spelling of the term, deaf-blind. It can be seen in print with or without a hyphen or rendered as one compound word with varying capitalization.

The American Association of the Deaf-Blind (AADB)[40] includes a hyphen between the words "Deaf" and "Blind," as does the Helen Keller National Center for Deaf-Blind Youths & Adults (HKNC).[41]

However, Deafblind International (DbI),[42] a world association promoting services for people who are deafblind, as well as Deafblind UK,[43] a service and support organization for people who are deafblind in the UK, uses the single compound term, deafblind.

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[40] http://www.aadb.org .
[41] http://www.hknc.org .
[42] http://www.deafblindinternational.org .
[43] http://www.deafblind.org.uk .

Disability Etiquette

There are many websites that offer thorough explanations of proper etiquette when interacting with people with disabilities. While it is helpful to have access to such guidance, even without the advantage of detailed instruction, individuals can have successful interactions with members of the disability community. Of prime importance is to be courteous, approach individuals with respect, and realize that the individual with a disability is generally the best source of information on how to proceed.

Websites that include information about disability etiquette include:

Easter Seals, "Disability Etiquette"
http://www.easterseals.com/site/PageServer?pagename=ntl_etiquette

United Spinal Association. "Disability Etiquette: Tips on Interacting With People With Disabilities"
http://www.unitedspinal.org/pdf/DisabilityEtiquette.pdf

Disability Statistics

The main source for disability statistics is the U.S. Census Bureau:

U.S. Census Bureau, People and Households, Disability
http://www.census.gov/people/disability

Statistics about deaf and hard of hearing populations can be particularly difficult to find. Gallaudet University has gathered a collection of statistical resources on its website including the following:

Gallaudet University, Library, LibGuides, Deaf Statistics
http://libguides.gallaudet.edu/content.php?pid=119476&sid=1029111

Gallaudet University, Library, LibGuides, Deaf Population of the U.S.
http://libguides.gallaudet.edu/content.php?pid=119476&sid=1029190

Gallaudet University, Gallaudet Research Institute, Can You Tell Me How Many Deaf People There are in the United States?
http://research.gallaudet.edu/Demographics/deaf-US.php

Gallaudet University, Library, LibGuides, Deaf Statistics, American Deaf-Blind Population
http://libguides.gallaudet.edu/content.php?pid=119476&sid=1029203

Disability Rights Laws

Americans with Disabilities Act of 1990

PL 101-336, July 26, 1990
104 Stat. 327
42 U.S.C. §§ 12101 et seq.

Implementing Regulations:
- 29 CFR Parts 1630, 1602 (Title I, EEOC)
- 28 CFR Part 35 (Title II, Department of Justice)
- 49 CFR Parts 27, 37, 38 (Title II, III, Department of Transportation)
- 28 CFR Part 36 (Title III, Department of Justice)
- 47 CFR §§ 64.601 et seq. (Title IV, FCC)

Architectural Barriers Act of 1968

PL 90-480, August 12, 1968
82 Stat. 718
42 U.S.C. §§ 4151 et seq.

Implementing Regulation:
- 41 CFR Subpart 101-19.6

Individuals with Disabilities Education Act

20 U.S.C. §§ 1400 et seq.

Implementing Regulation:
- 34 CFR Part 300

Rehabilitation Act of 1973

PL 93-112, September 26, 1973
87 Stat. 355

Rehabilitation Act of 1973, as amended [Workforce Investment Act of 1998]

PL 105-220, August 7, 1998
112 Stat. 936
29 U.S.C. § 701-797

Section 501
29 U.S.C. § 791
Implementing Regulation:
29 CFR § 1614.203

Section 503
29 U.S.C. § 793
Implementing Regulation:
41 CFR Part 60-741

Disability Rights Laws (continued)

Rehabilitation Act of 1973, as amended (continued)

Section 504
29 U.S.C. § 794

Section 508
29 U.S.C. § 794d

Rosa's Law
PL 111-256, October 5, 2010
124 Stat 2643

Telecommunications Act of 1996
PL 104-104, January 3, 1996
110 Stat. 56
47 U.S.C. §§ 255, 251(a)(2)

Twenty-First Century Communications and Video Accessibility Act of 2010
PL 111-260, October 8, 2010
124 Stat 2751

PL 111-265 (technical amendments)
124 Stat 2795

A Guide to Disability Rights Laws
U.S. Department of Justice, Civil Rights Division, Disability Rights Section
http://www.ada.gov/cguide.htm

Disability Access Symbols[44]

Access for Low Vision

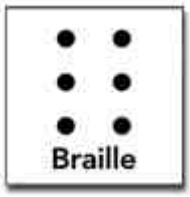
Physical Access

.

Large Print

Assistive Listening System

Audio Description (Video Description)



Braille

[44] Symbols may be downloaded from https://www.graphicartistsguild.org/tools_resources/downloadable-disability-access-symbols .

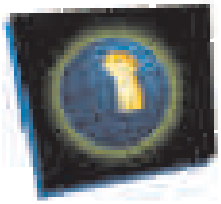
Disability Access Symbols (continued)

Closed Captioning

Sign Language Interpretation

TTY

Volume Control Telephone



Web Access[45]

The symbol should always be used with the following alt-text tag: Web Access Symbol (for people with disabilities).

[45] http://main.wgbh.org/wgbh/hire/symbols.html .

Appendix

Federal Communications Commission Section 504 Rules

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.[46] 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.[47] 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.[48] 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-

[46] 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.
[47] *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*).
[48] *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.[49] 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.[50] 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.[51]

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.[52] The procedural rule modifications will be effective immediately upon publication in the Federal Register.[53]

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

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[49] 42 U.S.C. §§ 12101 *et seq*.
[50] 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.
[51] 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.
[52] 5 U.S.C. § 553(b)(3)(A).
[53] *See* 5 U.S.C. § 553(d).

APPENDIX A

FINAL RULE AMENDMENTS

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:

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

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.

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