

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

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Key Authorities

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

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FEMA's Section 504 Disability Access Plan

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

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

- Disaster assistance
- House inspections
- Temporary housing units
- National Flood Insurance Program
- Responding to inquiries and/or sharing information with the public

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What are FEMA's public-facing programs and activities? (cont'd)

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

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Additional Requirements for FEMA's Section 504 Disability Access Plan

- Available to the public and posted as 504 Disability Access Plan at <https://www.fema.gov/office-equal-rights>
- Welcome disability stakeholders' questions and feedback about implementation

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Five Focus Areas for Improvement

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

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Accessible Public Information and Platforms

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

Who needs effective communication access?

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

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Accessible Public Information and Platforms (cont.)

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

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Strategies to Provide Accessible Public Information

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

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Trainings and Exercises - Inclusive of People with Disabilities

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

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Strategies to Provide Inclusive Training and Exercises

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

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Publish Widely Civil Rights Notice

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

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Strategies to Publish Widely Civil Rights Notice

FEMA has an updated Civil Rights Notice, including:

- Who to contact if you feel your civil rights have been violated, and
- Who to contact for assistance (reasonable accommodation or language access need) in accessing FEMA programs and activities.

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Role of Equal Rights Advisors at Disaster Operations

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

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

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

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Disaster Assistance and Recovery Programs

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

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Strategies to Provide Inclusive Disaster Assistance and Recovery Programs

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

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Accessible Facilities

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

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Strategies to Provide Physical Access

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

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OER Responsibilities – Technical Assistance

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

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OER Responsibilities – Civil Rights Compliance

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

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