FORT WAYNE
PARKS AND
RECREATION

RESOLUTION

WHEREAS, the Fort Wayne Parks and Recreation Board is aware of the parks and recreation needs of the residents of Fort Wayne, Indiana, and

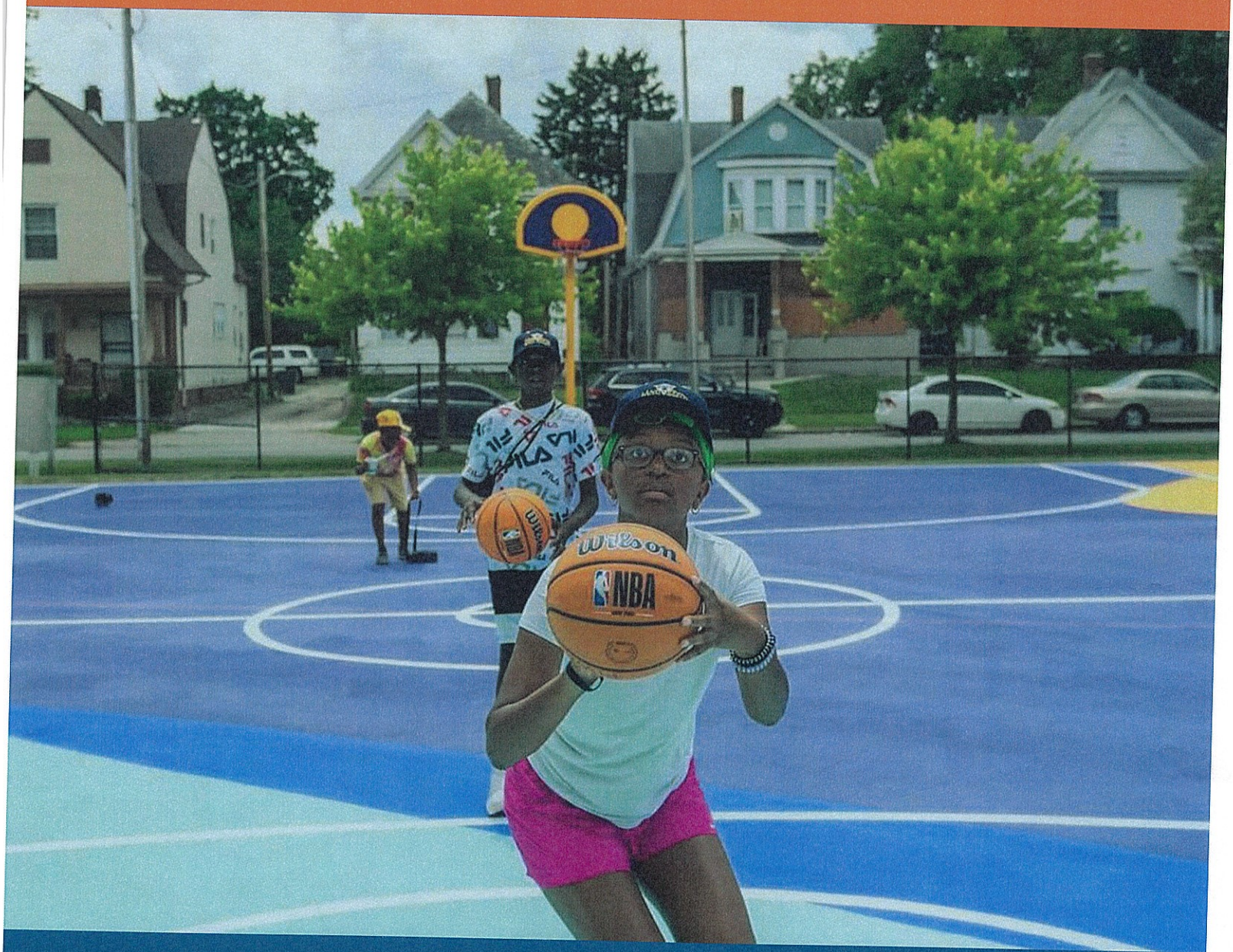
WHEREAS, the Board realizes the importance of sound planning in order to meet the need of its citizens.

NOW, THEREFORE, BE IT RESOLVED THAT THE FORT WAYNE PARKS AND RECREATION BOARD, by unanimous declaration, hereby adopt the 2023-2027 Park and Recreation Master Plan as the official plan for the next five years, for the growth and development of parks and recreation opportunities of all citizens of Fort Wayne, Indiana.

Passed and signed this _____ day of _____, 2023.

President: _____
Justin Shurley, President

Attest: _____
Director of Fort Wayne Parks & Recreation/Board Secretary



FORT WAYNE
PARKS AND
RECREATION

2023-2027 PARKS & RECREATION MASTER PLAN

April 2023

DEPARTMENT OF INTERIOR
SECTION 504 GUIDELINES FOR FEDERALLY-ASSISTED PARK AND RECREATION PROGRAMS AND ACTIVITIES

I. General

A. Authority. These guidelines are issued under the authority of Section 504 of the Rehabilitation Act of 1973, Pub. L, 93-112, as amended; and Department of the Interior Regulations 43 CFR 17, Subpart B.

B. Purpose. These guidelines provide basic information on the compliance requirements of Section 504 of the Rehabilitation Act of 1973 with respect to federally-assisted park and recreation programs and activities of the Department of the Interior. These guidelines are intended to facilitate compliance with Departmental Regulations 43 CFR 17, Subpart B, to the end that no qualified handicapped person shall, on the basis of handicap, be excluded from participation in, be denied the benefits of , or otherwise be subjected to discrimination under any program or activity that receives Federal financial assistance from the Department. Included in these guidelines are procedures and standards for determining whether current, and anticipated recipient practices conform to the requirements of Section 504.

C. Scope and Applicability. These guidelines apply to each recipient of Federal financial assistance from the Department that administers a recreation program or activity. When a recipient receives financial assistance from the Department for park and recreation programs, all such programs and activities of that recipient must be in compliance with Section 504 including those programs and activities not receiving direct Federal aid. The final decision as to whether a specific activity or program is or is not federally-assisted within the context of Section 504 rests with the Director. In instances where real property has been acquired through Federal financial assistance or developed prior to 1973, Section 504 applies to such recipients retroactively.

D. Covered Programs. Federal financial assistance subject to Section 504 and covered by these guidelines includes, but is not limited to, that authorized by the following statues

1. Land and Water Conservation Fund Act of 1964, (Pub. L. 88-578, 78 Stat. 897);
2. Title X of the National Parks and Recreation Act of 1978, (Pub. L. 95-625), Urban Park and Recreation Recovery Program;
3. Reservation of Land for Park, Playground, or Community Center (38 Stat. 727, 43 U.S.C. 569);
4. Recreation and Public Purposes Act (44 Stat. 741, as amended, 43 U.S.C. 869-869-4);
5. Federal Aid in Sport Fish Restoration Act (64 Stat. 430) as amended, 16 U.S.C. 777-777K.

E. Definitions

1. "Section 504" means Section 504 of the Rehabilitation Act of 1973.

2. "Subpart B" means Interior's Departmental Regulations at 43 CFR 17, Subpart B, which implements Section 504 in federally-assisted programs.

3. "Department" means the U.S. Department of the Interior.

4. "Director" means the Director of the Office for Equal Opportunity, Office of the Secretary, U.S. Department of the Interior.

5. "Secretary" means the Secretary of the Department of the Interior.

6. "Federal Financial Assistance" means any grant, loan, contract (other than insurance or guaranty contracts), or any other arrangements by which the Department provides or otherwise makes available assistance in the form of : (a) funds; (b) the detail of Federal personnel; or (c) real and personal property.

7. "Recipient"

a. "Primary Recipient" means a State that is authorized to contract for or extend Federal financial assistance to itself or subrecipient for the purpose of carrying out a program of the Department.

b. "Subrecipient" means any political subdivision or instrumentality of a State, public or private entity or individual to whom Federal assistance is extended through a recipient.

8. "Compliance Review"

a. "Post-Award Compliance Review" means an onsite or off-site, comprehensive assessment of the Section 504 compliance posture of an agency that has received Federal financial assistance from the Department. Such reviews as designed to determine if programs and activities of the agency are administered and operated in compliance whith the requirements of Section 504.

b. "Follow-up Compliance Review" means a subsequent examination of specific aspects of a recipient's federally-assisted program or activity to determine whether the recipient has resolved outstanding conditions of noncompliance.

c. "Desk Audit" means an off-site review of a recipient's practices to determine compliance with Section 504.

9. "Compliance Officer" means an official of the Department assigned the responsibility of conducting a compliance review or complaint investigation of a recipient or subrecipient.

10. "Major Life Activities" means functions such as caring for one's self, performing manual tasks, walking, seeing, speaking, hearing, breathing, and learning.

11. "Handicapped Person" means any person 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. For a detailed definition of these categories, see Departmental Regulation Subpart B, 43 CFR 17.202(j)(2).

12. "Qualified Handicapped Person" means:

a. With respect to covered employment, a handicapped person who, with reasonable accommodation, can perform the essential functions of the job in question.

b. With respect to programs, activities, and services, a handicapped person who meets the essential eligibility requirements for the receipt of services or for program participation.

13. "Reasonable Accomodation" in employment, means accommodations provided to a handicapped job applicant or employee so that she/he can qualify for and/or perform the job. Reasonable accommodation includes, but is not limited to: (a) making facilities used by employees accessible; (b) job restructuring, part-time or modified work schedules; (c) acquisition or modification of equipment; (d) readers for the visually impaired; and (e) interpreters for the hearing impaired. This interpretation of reasonable accommodation applies solely to recipient employment practices.

14. "Beneficiary" means an individual who is entitled to benefit from, or otherwise participate in, programs or activities receiving Federal financial assistance.

15. "504 Coordinator" means the individual within the recipient organization who is responsible for coordinating all efforts to comply with Section 504.

16. "Section 504 Self-Evaluation" means a process whereby the recipient, in consultation with handicapped individuals and organizations representing such persons, examines its policies, practices, programs, services, and activities to determine whether they are in compliance with Section 504.

17. "OEO" means the Office for Equal Opportunity, Office of the Secretary, U.S. Department of the Interior.

18. "Transition Plan" means a document detailing the recipient's plans for achieving compliance with Section 504 when structural changes to existing facilities are required. The plan must identify physical obstacles; describe methodology for providing accessibility; specify the schedule for achieving program accessibility; and indicate the person responsible for implementing the plan.

19. Integrated Setting" means a setting in which handicapped persons are fully integrated with nonhandicapped persons and are not subjected to different or separate treatment.

20. "Program Accessibility" means that when viewed in its entirety, a program is readily accessible to qualified handicapped persons. This does not mean that every existing facility or part thereof has to be made accessible. Program accessibility may or may not require structural modifications to facilities. Methods of achieving program accessibility include such things as reassignment of services to accessible buildings; assignment of aids to program beneficiaries; home visits; delivery of services at alternate sites; and alteration of existing facilities.

21. "LWCF" means the Land and Water Conservation Fund of the Department.

II. Compliance Responsibilities

A. OEO's Responsibilities. The Office for Equal Opportunity (OEO), shall ensure that no person participating in a program funded in whole or in part by the Department is subjected to discrimination on the basis of handicap. This shall be accomplished through continuing policy direction, oversight, technical assistance, program evaluations, investigations and compliance reviews.

B. Bureau Responsibility. Each Bureau or Office, as primary grantor of Federal financial assistance, has direct responsibility for ensuring that recipients and applicants to whom Federal aid is awarded are in compliance with the basic nondiscrimination provisions of Section 504.

The granting Bureau or Office shall execute its responsibility through:

1. Notifying OEO of any Section 504 violation having arisen from onsite program reviews conducted by Bureau or Office personnel; and

2. Cooperating with OEO in securing voluntary compliance with Section 504 in recipient programs and activities.

C. Primary Recipient Responsibility. The States, as primary recipients of Federal assistance, are required to give reasonable assurance that all applicants and subrecipients will comply with Section 504. This includes providing equal benefits, services, financial aid, and utilizing methods of administration which give reasonable assurance of compliance and that any noncompliance will be corrected. This shall be accomplished through:

1. Notifying all applicants and subrecipients of their Section 504 compliance responsibilities;

2. Determining the Section 504 compliance posture of all new applicants prior to an award of Federal financial assistance and where necessary, aiding applicants in complying with Section 504;

3. Apprising *all* of its employees of the prohibition against discrimination, on the basis of handicap, in employment;

4. Ensuring that all of its employees are informed of "when, where, and how" to file employment complaints alleging handicap discrimination;

5. Ensuring that all of its programs and activities are in compliance with Section 504;

6. Consulting with interested individuals including handicapped persons or organizations representing handicapped persons in achieving compliance with Section 504;

7. Designating a Section 504 Coordinator;

8. Conducting a self-evaluation of all primary recipient programs, activities, services, facilities, practices, and policies to ensure compliance with Section 504 and maintaining the results of this evaluation on file for public inspection upon completion;

9. Accomplishing a transition plan in the event that structural changes to facilities are necessary;

10. Meeting equal opportunity public notification of nondiscrimination requirements;

11. Securing nondiscrimination assurances from applicants and subrecipients of Federal financial assistance;

12. Providing technical assistance to subrecipients in complying with Section 504;

13. Notifying OEO of any inconsistencies with Section 504 having arisen from onsite project reviews conducted by State personnel;

14. Cooperating with OEO toward seeking a satisfactory resolution of any Section 504 violation;

15. Where required by the Director, investigating Section 504 complaints of alleged discrimination against applicants or subrecipients; and

16. Ensuring that each applicants/subrecipient is provided a copy of these guidelines.

D. Coordination of Responsibility. OEO will periodically conduct onsite Section 504 compliance reviews and/or desk audits of primary recipients and subrecipients. OEO will provide any recipient with such technical assistance as necessary to assure compliance with Section 504. Federal, State, and local officials are expected to cooperate

fully toward securing voluntary compliance where violations in programs or activities may be found.

III. **Section 504 Compliance Provisions**

A. General. This section applies to each recipient of financial assistance from this Department who funds or administers a park and/or recreation program. This section covers general prohibitions against discrimination based on handicap as well as the required compliance provisions of Section 504. These standards are set forth in Departmental Regulations at 43 CFR 17, Subpart B.

Subrecipients are reminded that public and private organizations to whom they provide assistance are also covered by Section 504. Such arrangements are interpreted by the Department as being extensions of Federal financial assistance.

B. Prohibitions. Departmental Regulation 43 CFR 17.203 contains specific prohibitions related to services and benefits based on the standard that "no qualified handicapped person shall, on the basis of handicap, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity that receives or benefits from Federal financial assistance.

Recipients should study Section 17.203 in its entirety, and refer to it for further guidance in this area.

C. Technical Compliance Requirements. Each recipient must comply with the following:

1. Assurances Required. A recipient of Federal financial assistance shall provide assurances that its programs will operate in compliance with Section 504 and Subpart B, as follows:

a. Written assurances that a recipient's program will be operated in compliance with the regulation is required, [43 CFR 17.204 (a)]. In instances where primary recipients or subrecipients extend assistance to others (besides the ultimate beneficiary) written assurances must be secured and maintained by the recipient extending the assistance; and

b. If a recipient gives, leases, or transfers real property, there must be a covenant in the agreement transferring the property that discrimination on the basis of handicap will not occur [43 CFR 17.204 (c)]. This obligates the recipient or the transferee, for the period during which the real property is used for the purpose for which it was extended, to operate in a nondiscriminatory manner.

2. Self-Evaluation. All recipients are required to evaluate their programs, activities, policies, and practices to determine what actions need to be taken in order to comply with Section 504. This process is called a self-evaluation and must involve interested persons, including handicapped persons or organizations representing handicapped persons. If the

recipient employs fifteen or more persons (either full or part-time), a copy of the self-evaluation must remain of file and available for public inspection for three years after it is completed. The self-evaluation must indicate the areas examined, problems identified, and the remedial steps the recipient will take to eliminate discriminatory policies and practices toward handicapped persons [43 CFR 17.205 (c)].

a. Remedial Action. The Director can order a recipient to take remedial action when a recipient program or activity is found to be in violation of Section 504. The Director can also order a primary recipient to take remedial action if one of its subrecipients are found to be in violation of Section 504 [43 CFR 17.205 (a)].

b. Voluntary Action. All recipients are authorized and encouraged to take voluntary steps, in addition to any required action, to overcome the effects of conditions that restrict qualified handicapped persons from participating in recipient programs and activities [43 CFR 17.205 (b)].

3 Designation of Section 504 Coordinator. Every recipient that employs 15 or more persons (either full or part-time) must designate at least one person responsible for ensuring compliance with Section 504. The Department neither encourages nor suggests that recipients employ persons exclusively for this responsibility; instead recipients are advised to designate this responsibility to an existing staff member.

4. Adoption of Grievance Procedures. Each recipient that employs fifteen or more persons (either full or part-time) must adopt grievance procedures that provide for the prompt and equitable resolution of complaints alleging discrimination on the basis of handicap, [43 CFR 17.206 (b)].

5. Public Notification Required. Each recipient must proclaim to the public its policy of nondiscrimination and the procedures for filing complaints. This requirement can be met through the use of program publications and/or the Department's nondiscrimination poster which covers all of the required Federal anti-discrimination provisions. It must be communicated to the public that the program receives Federal financial assistance from the Department and, consequently, Federal law prohibits discrimination on the basis of handicap in the recipient's programs and activities. Each recipient must also explain that if any individual feels that he or she has been discriminated against or desires further information regarding the Department's nondiscrimination requirements, the person may write to:

Director
Office for Equal Opportunity
U.S. Department of the Interior
Washington, D.C. 20240

Appropriate steps must be taken to inform those with impaired vision or hearing, the mentally retarded, the learning disabled and any other person with a communications

impairment of when, where, and how to file complaints of alleged handicap discrimination.

6. Other Public Notification Requirements. Each recipient that employs fifteen or more persons (either full or part-time) must take initial and continuing steps to notify program participants, beneficiaries, applicants, and employees, including persons with impaired vision and hearing that they do not discriminate on the basis of handicap. Methods such as posting notices at appropriate locations, placement of notices in local newspapers, are all acceptable methods. This notice of nondiscrimination must also be included in recruitment materials and publications [43 CFR 17.207].

7. Transition Plan Responsibilities. In instances where structural changes to facilities are necessary to achieve program accessibility, each recipient shall develop a transition plan setting forth steps necessary to complete such changes. New recipients shall develop transition plans within one year of receipt of the financial assistance.

The plan *must* be developed with the assistance of handicapped persons and/or organizations representing handicapped persons. At a minimum, a transition plan must:

a. Identify physical obstacles in the recipient's facilities that limit accessibility of its programs or activities to handicapped persons;

b. Describe in detail the methods that will be used to make facilities accessible;

c. Specify the schedule for taking the steps necessary to achieve full program accessibility; and

d. Indicate the person responsible for implementation of the plan [43 CFR 17.217 (e)].

8. Each recipient shall keep such records and submit to the Director or her/his designee timely, complete, and accurate reports, at such time, and in such form and containing such information, as the Director or her/his designeed may determine to be necessary to enable her/him to ascertain whether the recipient has complied or is complying with Section 504 and Departmental Regulations at 43 CFR 17, Subpart B.

IV. Small Recipients

A. General. A small recipient is any recipient that employs less than fifteen full or part-time employees. All recipients, regardless of size, must comply with Section 504. As stated in Departmental Regulation 43 CFR 17.208, the Director, in certain situations, may require any recipient with fewer than fifteen employees to comply with Section 17.206 and 17.207, whole or in part.

B. Waiver from Compliance With Section 504. It is the Department's policy that there shall be no waivers from compliance with Section 504 because there is enough

flexibility in the Department's Section 504 Regulations for small recipients to comply without undue expense [47 FR 29543, July 7, 1982].

C. Program Accessibility and Small Recipients. If a small recipient finds, after consultation with a handicapped person seeking its services, that there is no method of complying with the program accessibility requirements of the Department's Section 504 Regulation other than making a significant alteration in its existing facilities, the recipient may, as an alternative, refer the handicapped person to other providers of services whose facilities are accessible [43 CFR 17.217 (c)].

As a means to ensure compliance with Section 504, each referral made by a small recipient must be approved beforehand by the Director prior to referring any handicapped person to other providers of services whose facilities are accessible. There shall be no exceptions to this rule.

V. Recipient Employment Practices and the Handicapped

A. General. No qualified handicapped person shall, on the basis of handicap, be subjected to discrimination in employment under any program or activity which receives Federal financial assistance from the Department.

B. Discrimination Prohibited. The Department's Section 504 Regulation prohibits discrimination against qualified individuals in a wide range of employment activities. Specific activities covered by Section 504 are:

1. Recruitment, advertising, and the processing of applications for employment;

2. Hiring, upgrading, promotion, award of tenure, demotion, transfer, layoff, termination, right of return from layoff, and rehiring;

3. Rates of pay or any other form of compensation and changes in compensations;

4. Job assignments, job classifications, organizational structures, position descriptions, lines of progressions, and seniority lists;

5. Leaves of absence, sick leave, or any other leave;

6. Fringe benefits available by virtue of employment whether or not administered by the recipient;

7. Selection and financial support for training, including apprenticeship, professional meetings, conferences and other related activities and selection for leaves of absence to pursue training;

8. Employer-sponsored activities, including social or recreation programs;

9. Any other term, condition, or privilege of employment, such as granting awards, recognition and/or monetary recompense for money-saving suggestions or superior performance; and

10. A recipient's obligation to comply with Section 504 is not affected by any inconsistent term of any collective bargaining agreement to which it is a party.

C. Section 504 Equal Employment Compliance Requirements. All recipients are required to make employment decisions which do not discriminate on the basis of handicap.

Recipients may not limit, segregate, or classify job applicants or employees in any way that adversely affects their opportunities or status because of handicap. Other requirements include:

1. Statements of Nondiscrimination. If a recipient organization has a written nondiscrimination policy statement ensuring that all employment opportunities and services are available on an equal basis, a clause prohibiting discrimination on the basis of "handicap" should be included.

2. Contractual Arrangements. If a recipient has a contract, subcontract, or other arrangement or agreement with organizations such as labor unions, employment agencies, health/maintenance organizations, insurance agencies, or organizations administering training and apprenticeship programs, the recipient is required to:

a. Ensure that these organizations do not provide services to handicapped job applicants and employees in a discriminatory fashion; and

b. Ensure that these contracts, subcontracts, or agreements contain nondiscrimination clauses prohibiting discrimination on the basis of handicap against job applicants or employees.

3. Notifying Employees of their Rights Under Section 504. Recipients are required to notify their employees of their rights under Section 504 and the procedure for filing complaints with the Department.

4. Concessionaires. The employment practices of concessionaires operating under contractual agreements with recipients are covered by Section 504. In such instances, the recipient shall be responsible for ensuring that each concessionaire complies with Section 504.

5. Self-Evaluation Required. As prescribed in Section III.C.2, of these guidelines, all recipients must conduct a self-evaluation of their employment practices, policies, and decisions to ensure nondiscrimination on the basis of handicap. The self-evaluation must be conducted with the assistance of interested persons, handicapped individuals and organizations representing the handicapped.

6. Communicating Effectively with Applicants, Employees, and Beneficiaries. Recipients must take the necessary and appropriate steps to communicate effectively with job applicants, employees, and program beneficiaries. This requirement applies especially to communicating effectively with the visually and hearing impaired as well as the mentally retarded and learning disabled.

7. Reasonable Accommodation. All recipients are required to make reasonable accommodation to he known physical or mental limitations of otherwise qualified handicapped applicants or employees, unless it creates an "undue hardship." Reasonable accommodation includes making facilities accessible to handicapped employees, instituting part-time or modified work schedules, allowing extended rest periods, job restructuring, and permitting work assignments to be accomplished at home or other accommodating places. In determining whether an accommodation would impose an "undue hardship" the following shall be considered by the Director:

a. The overall size of the recipient park and recreation system including:

i. Size of recipient agency;
ii. Number and type of facilities;
iii. Size of recipient's overall operating budget;

b. The type of operation;

c. Composition and structure of the recipient's workforce;

d. The type of accommodation needed; and

e. The cost of the accommodation needed.

8. Employment Tests. Recipients must examine all employment tests or other selection criteria to ensure nondiscrimination towards handicapped persons. Tests and employment selection procedures must be shown to be job related. Moreover, tests must measure a person's ability, not an impaired sensory, manual or speak skill, unless that skill is required to perform essential job-functions.

If a test of employment criterion is job-related and tends to screen out qualified handicapped persons and the Director cannot identify alternative job-related tests that do not screen out as many handicapped persons, the recipient may use the test or employment criterion.

9. Pre-employment Inquiries. A recipient may not conduct pre-employment medical tests or examinations or make pre-employment inquiries as to whether an applicant is handicapped or as to the severity or nature of a handicapping condition. This standard applies to all aspects of the selection process including:

a. Job applications; and

b. Employment interviews.

10. **If Remedial or Voluntary Actions are Taken.** If a recipient is taking remedial or voluntary actions to correct the effects of past discrimination, the recipient may invite a person to indicate whether, and to what extent, they are handicapped. Inquiries of this nature are only permitted if:

a. The applicant is informed of the reasons the recipient is requesting the information;

b. The applicant is informed that providing the information is voluntary and will be kept confidential; and

c. The applicant is informed that refusal to provide the information will not result in any adverse treatment.

VI. Program Accessibility

A. General. A recipient will have afforded equal opportunities to handicapped persons if each of its programs, activities, and services, when viewed in their entirety, are accessible. A qualified handicapped person cannot be denied the benefits of, or be kept from participating in, any recipient's programs or activities because existing facilities are inaccessible to or unusable by handicapped persons.

1. Time Limitation. For those that were recipients as of July 7, 1982, all nonstructural accessibility modifications should have been completed by September 8, 1982, while structural accessibility changes are to be accomplished as expeditiously as possible, but in no case later than July 8, 1985.

2. Methods for Achieving Program Accessibility. Methods for ensuring accessibility include:

a. Re-designing park and recreation equipment, i.e., swimming pools, play equipment, park benches, water fountains, etc;

b. Assigning aids to handicapped persons;

c. Moving classes or activities to accessible buildings;

d. Conducting home visits; and

e. Structural changes.

3. Program Availability Must be Advertised Effectively to Interested Persons. The Department's Section 504 Regulation requires that each recipient adopt and

implement procedures to ensure that interested persons, including those with impaired vision and hearing, can obtain information about the availability and location of recipient services, activities, and facilities that are accessible to and usable by handicapped persons.

VII. Drug and Alcohol Abusers

A. Drug and Alcohol Abusers are Covered by Section 504. Drug and alcohol abusers or any individual having a record of such an affliction are covered by the nondiscrimination requirements of Section 504.

B. Exceptions. Drug and alcohol abusers are not covered by Section 504 when current use of drugs or alcohol prevents them from performing the duties of the job in question or when the current use of drugs or alcohol imposes an immediate threat to public safety or property.

VIII Complaint Procedures

A. General. This section prescribes the procedures of the Department and its primary recipients with respect to the prompt processing and disposition of Section 504 complaints.

B. Who May File. Anyone who believes that she or he has been subjected to discrimination on the basis of handicap, may file a complaint. A representative may also file a complaint on behalf of persons who feel that they have been discriminated against because of their handicap.

C. How, When, and Where to File. All complaints filed under Section 504 must be in writing and must be signed by the complaint and/or the complaint's representative. In the event that a complaint is made in other than written form, the official receiving the complaint must instruct the complainant to reduce the complaint to writing and submit it to:

Director
Office for Equal Opportunity
U.S. Department of the Interior
Washington, D.C., 20240

The complaint should contain: The name, address, and telephone number of the complainant; the name and address of the alleged discriminating official, recipient or subrecipient; the basis of the complaint, and date of the alleged discrimination.

D. Time Limitations. All complaints must be filed within 180 days from the date of the alleged discriminatory action. The time limit for filing may be extended by the Director.

Complaints should be filed directly with the Director. In the event that complaints are received by other entities, such complaints must be forwarded to the Director within 10 days of receipt.

E. Complaint Notification Requirements. Bureaus and Offices shall be responsible for ensuring that its recipients inform the public of their right to file a complaint. Where primary recipients extend Federal assistance to subrecipients, the primary recipients shall also be responsible for ensuring that this standard is met.

Bureaus, Offices and recipients shall include information on Section 504 requirements, complaint procedures and the rights of beneficiaries in handbooks, manuals, pamphlets, and other materials which are ordinarily distributed to the public to describe the federally-assisted program or activity. In instances where handicapped persons have visual and hearing impairments or other disabilities that impede their communications processes, steps must be taken to inform them of their rights under Section 504.

IX. Compliance Review Procedures

A. General. This section prescribes the types of compliance reviews which will be conducted periodically to ensure that the Department's federally-assisted recreation programs are operated in compliance with Section 504. Such reviews will cover the granting Bureau or Office, primary recipient and subrecipient.

B. Compliance Review Responsibilities. OEO shall perform periodic Section 504 compliance reviews of the Department's primary recipient and subrecipient recreation programs. These reviews shall be part of a continuous effort by the Department to ensure that its Federal assistance programs are conducted in compliance with Section 504.

1. Primary Recipient Reviews. As a part of routine project inspections or program reviews, primary recipients shall review the operations and practices of its subrecipients.

2. Reporting Requirements. All Section 504 violations, that are found during a review, must be reported to the Director in a timely manner.

3. Reviews Conducted by OEO. OEO shall periodically conduct compliance reviews of primary recipients and subrecipients which may consist of either an onsite review or a desk audit review. Recipients will be notified by letter at least 20 days prior to a scheduled onsite review and 30 days prior to a desk audit. Information necessary to conduct the review/audit is completed, OEO shall prepare and issue a report of its findings and recommendations to the primary recipient to assist it in voluntarily complying with Section 504. Remedial action must be initiated where necessary by the recipient to correct any deficiency(s). Where conditions of noncompliance have been found, such conditions must be resolved by the recipient within a reasonable period of time. A copy of the report and related correspondence shall be kept on a record by OEO for a period of three years.

C. Criteria Used for Selecting Recipients for Review. In selecting recipients for post-award compliance reviews, OEO shall base selections on such factors as:

1. Availability of information collected from prior reviews;

2. The frequency of past reviews conducted of the recipient;

3. Complaints of alleged discriminations;

4. The size and nature of the federally-assisted program; and

5. The amount and type of Federal assistance received by the recipient.

D. Procedures for Effectuating Voluntary Compliance. Departmental regulations require the resolution of any apparent condition of noncompliance by informal and voluntary means whenever possible. Voluntary compliance means the willingness of a recipient to correct conditions of noncompliance identified through complaint investigations or compliance reviews.

The procedures for effectuating voluntary compliance are as follows:

1. In every case where a complaint investigation or compliance review results in a finding of noncompliance, the Director shall notify the recipient by certified mail of the conditions of noncompliance. The notice shall clearly identify the conditions of noncompliance and afford a reasonable time to comply voluntarily;

2. OEO shall record the date the recipient received notice, and shall note and record and last day afforded the recipient for voluntary compliance before initiating the administrative process to terminate Federal assistance;

3. The recipient may request a meeting for the purpose of discussing the violations or requirements for compliance; and

4. OEO shall approve the recipient's proposed voluntary compliance actions if such actions will result in compliance with Section 504.

E. Sanctions Available to the Department to Remedy Noncompliance. When an applicant or recipient is found to be in noncompliance with Section 504 and compliance cannot be achieved by voluntary means, the enforcement alternatives under Title VI of the Civil Rights Act of 1964 shall be invoked. If Section 504 violations are found, OEO can recommend temporary deferral of Federal funds to the granting Bureau of Office until full compliance has been satisfactorily achieved. If the grant has been made, the Director may initiate administrative proceedings for the termination of current or future funding. Alternatively, OEO may enforce Section 504 by "any other means authorized by law". Although not explicitly stated, such other means include referral to the U.S. Department of Justice for appropriate judicial enforcement.

No order suspending, terminating, or refusing to grant assistance to a recipient can become effective until the Director has:

1. Advised the recipient of its failure to comply and determined what compliance cannot be secured by voluntary means;

2. Made an express finding on the record, after the opportunity for a hearing, of a failure by the recipient to comply with Section 504.

3. Obtained approval of the action to be taken from the Secretary of Interior; and

4. Filed with the appropriate committees of the U.S. House of Representatives and the U.S. Senate having legislative jurisdiction over the program involved, a full written report of the circumstances and the grounds for such action.

SECTION 504 SELF-EVALUATION GUIDE

I. Introduction

Section 504 of the Rehabilitation Act of 1973 provides that no qualified handicapped person shall, on the basis of handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

All recipients of Federal financial assistance form the Department of the Interior (DOI) must be in compliance with Section 504 and implementing regulations, 43 CFR 17, Subpart B, Subpart B, at Section 17.205 (c), requires that each recipient complete a self-evaluation of its "policies and practices and the effects thereof that do not or may not meet the requirements of the Subpart." Any policy and/or practice that does not meet the requirements of Subpart B, must be modified.

The purposes of this self-evaluation guides is to assist recipients in evaluating their programs and activities to determine whether they conform to the requirements of Section 504 and Departmental regulations 43 CFR 17, Subpart B. This guide provides only an example of how self-evaluation can be performed. Recipients are free to use this guide or other approaches for performing the self-evaluation.

The self-evaluation guide is composed of three parts. The appropriate DOI regulation and Guidelines authority are cited for each of the following three parts:

Part I-Checklist of Administrative Requirements [43 CFR, Section 17.206, 17.207, 17.217 (e) and Guidelines Section III C].

Part II-Checklist of Facility Accessibility [43 CFR, Section 17.217 (a-d); Guidelines Section VI].

Part III-Checklist of Employment Practices [43 CFR, Section 17.210; Guideline Section V].

ASSURANCE OF COMPLAINCE
SECTION 504
OF THE REHABILITATION ACT OF 1973

The_City of Fort Wayne Board of Park Commissioners has received and read the guidelines for compliance with Section 504 of the Rehabilitation Act of 1973 issued by the United States Department of the Interior and will comply with these guidelines and the Act.

SIGNATURE_____
APPLICANT PRESIDENT

_____
(president's printed name)

SIGNATURE_____
APPLICANT SECRETARY

_____
(secretary's printed name)

DATE_____