



**CISEC, INC.**

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## **DISABILITY RIGHTS LAW POLICY**

### **\*\*1. DISABILITY RIGHTS LAWS**

#### **The Rehabilitation Act of 1973, Section 504**

#### **Americans with Disability Act (ADA) of 1990, Title III: Public Accommodations and Services Operated By Private Entities <sup>1</sup>**

"Title III covers businesses and nonprofit service providers that are public accommodations, privately operated entities offering certain types of courses and examinations, privately operated transportation, and commercial facilities. Public accommodations are private entities who own, lease, lease to, or operate facilities such as restaurants, retail stores, hotels, movie theaters, private schools, convention centers, doctors' offices, homeless shelters, transportation depots, zoos, funeral homes, day care centers, and recreation facilities including sports stadiums and fitness clubs. Transportation services provided by private entities are also covered by Title III.

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

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

#### **III. "Individuals with Disabilities"**

The Americans with Disabilities Act provides comprehensive civil rights protections for "individuals with disabilities".

An individual with a disability is a person who –

- Has a physical or mental impairment that substantially limits one or more *major life activities*, or

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<sup>1</sup> Section 302: Prohibition of Discrimination by Public Accommodations.

- Has a record of such an impairment, or
- Is regarded as having such an impairment.
- Examples of physical or mental impairments include, but are not limited to, such contagious and non-contagious diseases and conditions as orthopedic, visual, speech, and hearing impairments; cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, emotional illness, specific learning disabilities, HIV disease (whether symptomatic or asymptomatic), tuberculosis, drug addiction, and alcoholism. Homosexuality and bisexuality are not physical or mental impairments under the ADA.
- "Major life activities" include functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

## XII. Examinations and Courses

Certain examinations or courses offered by a private entity (i.e., those that are related to applications, licensing, certification, or credentialing for secondary or postsecondary education, professional, or trade purposes) must either be given in a place and manner accessible to persons with disabilities, or be made accessible through alternative means.

In order to provide an examination in an accessible place and manner, a private entity must --  
Assure that the examination measures what it is intended to measure, rather than reflecting the individual's impaired sensory, manual, or speaking skills.

Modify the examination format when necessary (e.g., permit additional time).

Provide auxiliary aids (e.g., taped exams, interpreters, large print answer sheets, or qualified readers), unless they would fundamentally alter the measurement of the skills or knowledge that the examination is intended to test or would result in an undue burden.

Offer any modified examination at an equally convenient location, as often, and in as timely a manner as are other examinations.

Administer examinations in a facility that is accessible or provide alternative comparable arrangements, such as providing the examination at an individual's home with a proctor.  
In order to provide a course in an accessible place and manner, a private entity may need to --  
Modify the course format or requirements (e.g., permit additional time for completion of the course).

Provide auxiliary aids, unless a fundamental alteration or undue burden would result.

Administer the course in a facility that is accessible or provide alternative comparable arrangements, such as provision of the course through video tape, audio cassettes, or prepared notes.

**Approved: 2/25/2015**

**CISEC, Inc. Board of Directors**

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