

Division of Family and Children Services

LIHEAP


2025-05-22

Table of Contents

100 Program Overview	1
Low Income Home Energy Assistance Program (LIHEAP)	1
Requirements	1
Basic Considerations	1
Program Components	2
200 Program Authorization	4
Overview and Requirements	4
Basic Considerations	4
300 Detect and Prevent Fraud and Abuse	5
Overview and Requirements	5
400 Vendor Management	6
Overview and Requirements	6
Basic Consideration	6
500 Weatherization	7
Overview and Requirements	7
Basic Consideration	7
600 Program Monitoring	8
Overview and Requirements	8
Basic Consideration	8
700 Fair Hearing	10
Requirements	10
Basic Considerations	10
800 Americans with Disabilities Act and Section 504	15
Policy	15
Scope	15
Requirements	15
Definitions	16
Coordination of Services / Self-Assessment / Monitoring	18
Qualified Individual with a Disability	18
Public Notifications	19
Procedures for Processing Customer Requests for Reasonable Modification(s)	19
How to Request Reasonable Modification(s)	21
Denial of Request for Reasonable Modification(s)	22
Procedures for Equally Effective Communication	22
Wheelchairs, Mobility Aids and Other Power-Driven Mobility Devices	24
Service Animals	25
Miniature Horses	26
Access to Websites and Online Systems	26

Physical Access to Buildings and Facilities	27
Safety.....	27
Direct Threat.....	27
Fundamental Alteration / Undue Burden.....	27
Complaints Processing	28
Attachments	28

100 Program Overview

	Georgia Division of Family and Children Services		
	LIHEAP Policy Manual		
	Policy Title:	Program Overview	
	Chapter:	100	Effective Date: October 2020
	Policy Number:	100	Previous Policy Number(s):

Low Income Home Energy Assistance Program (LIHEAP)

The Energy Assistance Program was created by Title XXVI Low Income Home Energy Assistance Act of 1981 (P.L. 97-35), as amended by Title VI of the Human Services Reauthorization Act of 1984 (P.L. 98-558) Title V of the Human Services reauthorization Act 1986. Funds provided for this program will be used to assist low income households, particularly those with the lowest incomes that pay a high proportion of household income for home energy, primarily in meeting their immediate home energy needs.

Requirements

The purpose of the Georgia Low Income Home Energy Assistance Program is to provide appropriate and timely financial assistance to:

- Low income eligible households,
- Provide long-term, low-cost residential weatherization assistance,
- Energy crisis assistance to households experiencing heating or cooling emergencies that are life threatening,
- Cooperate with private groups in the development, implementation and administration of home energy assistance,
- Agencies must make available access to a copy of this manual to employees working in the Energy Program.

Basic Considerations

- Provide benefits to the eligible low income households targeting elderly and homebound households.
- Provide emergency energy assistance benefits to low income households in "at risk of harm" home energy related emergencies.
- Provide low-cost weatherization home improvements to low income households.
- Obtain the participation of the State's major home energy suppliers.
- Provide information and referrals to Energy Assistance Program recipients to help them access

resources related to energy.

- The Low Income Home Energy Assistance Program provides financial assistance on behalf of and to households which meet three requirements:
 - a. Have a total gross income at or below 60% of the State Median Income Guidelines for Georgia
 - b. Be responsible for paying the cost of energy for the household or can verify an energy burden
 - c. Be US citizens or lawfully admitted immigrant
- Households may receive only one payment per program component within a program year.
- This financial assistance will be in the form of payments to home energy suppliers on behalf of eligible household applicants.
- Eligible households whose energy suppliers have not signed a vendor supplier agreement will receive benefit payments directly.
- The amount of assistance will depend on the projected total annual gross household income and household size.
- Subsidized housing residents whose fuel cost is included in their rental payment are **not** eligible for assistance unless the applicant can verify an energy burden.
- Applicants who receive a vendor bill/statement for the main heating source are eligible for assistance.
- Renters who live in subsidized housing are eligible for assistance if their utility bill is in their name or the applicant can verify an energy burden.
- Applications are to be taken at accessible locations statewide, and in the homes of those who are homebound and unable to travel to any of the sites.

Program Components

Heating Energy Assistance

LIHEAP or Regular Energy Assistance will be provided to households who meet the above criteria and who are not experiencing a life threatening situation because of interruption in energy. The amount of available federal funding determines the amount of the benefit. The state office reviews and recommends benefit level each year based on projection of federal funding.

Cooling Energy Assistance

The LIHEAP Cooling Assistance Program provides a one-time benefit on behalf of an eligible household to the energy vendor during the Georgia's warm summer months. Clients must meet the eligibility requirements set forth for the current fiscal year's Heating Program. If it is determined that funding is too limited to make an impact among the general population, more vulnerable households such as the elderly and homebound may be targeted with this program. Benefits for the purchase of a cooling unit are provided to households with inoperable air conditioning and a referral to Georgia Environmental Finance Authority's (GEFA) Weatherization program. Georgia's Cooling program will be offered during the months of May and June.

Crisis Energy Assistance

DHS designates funds for Energy Crisis Intervention for each program year. States and local agencies providing LIHEAP are encouraged to have Crisis funds available through the month of March. Agencies may exhaust all Crisis funds prior to March if there are no other funds available. Financial assistance will be in the form of a vendor check written at the local level. The amount of assistance will be determined by household income, which must be at or below 60% of the State **median** income guidelines. Crisis assistance is provided to LIHEAP households who are in arrearage with their primary energy provider or who have already lost their energy service.

The CRISIS component of the Energy Program has three types of interventions. This component applies to:

- A household whose service has been disconnected or can reasonably anticipate imminent disconnection of energy service due to nonpayment. Assistance is provided within 48 hours of application.
- Households whose service have been disconnected or can reasonably anticipate imminent disconnection of energy service due to nonpayment and the disconnection create a life-threatening situation. Assistance is provided within 18 hours of application.
- Severe weather-related conditions and the crisis are declared by the Governor or designee, or by Federal Emergency Management Authority, Homeland Security or Health and Human Services.

Benefit Amount


Client benefits will be offered at a minimum of \$350 and maximum of \$400 for all eligible households, based on 60% of the State Median Income (SMI). Eligible households with the vulnerable population of seniors 60 years and older residing within the home will receive the maximum benefit amount of \$400. Households may receive a maximum of one heating benefit and one cooling benefit within the same program year. Cooling applicants are eligible for the crisis and life-threatening crisis standard of promptness with appropriate documentation.

Performance Measures

Beginning FFY 2016 states are required to report on three outcome measures. The Office of Management and Budget (OMB) has cleared Health and Human Services to collect data from LIHEAP grantees (states) to support the following performance indicators

- The average reduction in energy burden for households receiving LIHEAP fuel assistance
- This data will be collected from the Energy Vendors
- The percent of unduplicated households where LIHEAP prevented a potential home energy crisis
- This data will be captured on the LIHEAP application
- The percent of unduplicated households where LIHEAP benefits restored home energy
- This data will be captured on the LIHEAP application

200 Program Authorization

	Georgia Division of Family and Children Services LIHEAP Policy Manual		
	Policy Title:	Program Authorization	
	Chapter:	200	Effective Date: October 2020
	Policy Number:	200	Previous Policy Number(s):

Overview and Requirements

The Governor of the State of Georgia has designated the Department of Human Services (DHS) as the administering agency of LIHEAP funds. Within DHS, the Division of Family and Children Services, The Office of Family Independence, administers the Energy Assistance Program via contract through Community Action Agencies (CAA) administers the Low Income Home Energy Assistance Program (LIHEAP).

DHS/DFCS Program Managers are assigned to each of the nineteen (19) Community Action Agencies to fulfill State responsibilities.

DHS must comply with federal statutes and regulations in administering the LIHEAP funds via Community Action Agencies (CAA).

The CAA must comply with all policies and procedures found in the LIHEAP manual and DHS contract and the OMB Super Circular.


Basic Considerations

Program Administration includes the following components:

- Contracts
- Outreach
- Program Integrity/Security
- Home Energy Suppliers
- Benefit Reconciliation
- Weatherization/Conservation Coordination
- Training
- Program Reporting
- Program Monitoring

Detailed explanation of each component is outlined respectively in the following sections.

300 Detect and Prevent Fraud and Abuse

	Georgia Division of Family and Children Services		
	LIHEAP Policy Manual		
	Policy Title:	Detect and Prevent Fraud and Abuse	
	Chapter:	300	Effective Date: October 2020
	Policy Number:	300	Previous Policy Number(s):

Overview and Requirements

As a grant recipient, CAAs must protect the program and the source of your federal funds by detecting and preventing fraud

1. Establish an adequate and effective system of accounting, internal controls, records control, and records retention.
2. Implement an internal compliance and ethics program that encourages the recognition and reporting of fraud, waste, or abuse.
3. Report suspected fraud to the DHS Office of Inspector General of the State of Georgia:

Office of Inspector General

The DHS Office of Inspector General provides oversight to ensure the work of DHS is conducted according to state and federal laws, and administrative policy, procedure, and practice. Our goal is to actively seek to eliminate poor management practices, fraud, waste, and abuse within DHS programs and to uncover criminal conduct by employees, contractors, or recipients of public assistance benefits. These services are provided through five distinct units: Background Investigations Unit, Internal Audits Unit, Benefits Recovery Unit, Internal Investigations Unit, and the Residential Child Care Unit.

HOW TO REPORT FRAUD, WASTE OR ABUSE:

OIG Hotline: 1-844-694-2347

OIG Fax: 404-463-5496

OIG Email: inspectorgeneralhotline@dhr.state.ga.us

Via the Web: [online form](#)


U.S. Mail: Two Peachtree St., NW, Suite 30.450,
Atlanta, GA 30303

Attention: DHS Inspector General

[DHS OIG Incident Form](#)

[DHS OIG Residential Child Care Unit](#)

400 Vendor Management

	Georgia Division of Family and Children Services		
	LIHEAP Policy Manual		
	Policy Title:	Vendor Management	
	Chapter:	400	Effective Date: October 2020
	Policy Number:	400	Previous Policy Number(s):

Overview and Requirements

Home Energy Suppliers are encouraged to participate in the Low Income Home Energy Assistance Program thereby ensuring that funds are used specifically to offset the increasing costs of home heating energy. Approximately 400 fuel vendors participate in the program each year. The Home Energy Agreement satisfies all Federal Assurances of the Low Income Home Energy Assistance Program.


To receive direct payments from the Low Income Home Energy Assistance Program, a home energy supplier must sign a Home Energy Agreement with the Department of Human Services.

Basic Consideration

To participate in the Low Income Home Energy Assistance Program, the Home Energy Supplier must ensure:

- not to discriminate against a household receiving assistance, either in the cost of goods supplied or service provided;
- that payments received from the Low Income Home Energy Assistance Program will be posted timely to the customer's account;
- that payments will not be applied to old accounts in collection status, unless needed to re-establish services;
- that the full amount of the benefit must be applied to the actual fuel cost; NOTE: exceptions apply to the Crisis Program as follows:
 - a. benefits can be used to pay deposits and reconnect fees
 - b. benefits can also be applied to the tank rental fee for gas applicants
 - c. the Energy Assistance benefit cannot be paid to a company acting as a billing agent
- Benefits posted in error must be corrected within 5 calendar days of notification by the agency or customer;
- Agencies should communicate and encourage vendor participation in the Energy program.

500 Weatherization

	Georgia Division of Family and Children Services		
	LIHEAP Policy Manual		
	Policy Title:	Weatherization	
	Chapter:	500	Effective Date: October 2020
	Policy Number:	500	Previous Policy Number(s):

Overview and Requirements

The Georgia Weatherization Program is administered by the Georgia Environmental Facilities Authority (GEFA). This program is designed to upgrade the thermal efficiency of low income dwelling units by preventing infiltration and installing ceiling insulation. This program receives partial funding from the LIHEAP grant to states. LIHEAP applicants should be referred to this program as appropriate.

Referrals to the GA Weatherization Program must be made for eligible LIHEAP applicants as appropriate.

Basic Consideration

Eligibility Criteria

Households containing at least one family member receiving assistance under Title VI and/or Title XVI of the Social Security Act.

Households whose total income, in relation to family size is at or below 60% of the State Median Income.


If a LIHEAP Applicant is eligible for Weatherization Referral

- a copy of the LIHEAP Application form 6000 or other agency developed form may be used as the referral document
- The LIHEAP program coordinator must forward the referrals to the weatherization coordinator

If an LIHEAP Applicant is offered services by the Weatherization Program Staff

- Priority will be given to households containing at least one elderly or homebound person.
- The dwelling will have thermal efficiency upgraded by preventing infiltration and installing ceiling insulation.

600 Program Monitoring

	Georgia Division of Family and Children Services		
	LIHEAP Policy Manual		
	Policy Title:	Program Monitoring	
	Chapter:	600	Effective Date: October 2020
	Policy Number:	600	Previous Policy Number(s):

Overview and Requirements

DHS is required by the Health and Human Services Administration (HHS) to administer the Low Income Home Energy Assistance Program in accordance with the provisions of LIHEAP federal statutes and assurances.

To provide local and state level monitoring and technical assistance to community action agency staff to assure implementation of the program in each service delivery area and compliance with administrative and fiscal LIHEAP regulations.

The Department of Human Services will monitor the activities of the CAA's at least every three years using on-site reviews and desk audits. These reviews may be conducted during and/or after the program component operation period. Community Action Agency staff will be included in the interview.

Basic Consideration

Monitoring of program activities will be conducted by reviewing all areas of the LIHEAP component. (Programmatic and Fiscal).


A letter will be sent to the CAA to notify them of their monitoring dates. This letter will include a list of documents requested prior to the visit and at the site visit itself. DHS can conduct unannounced monitoring visits if presented with reasonable evidence of fraud, abuse or neglect of program funds or mismanagement of program.

On site reviews may include the following:

- Entrance conference with the Executive Director, Board Chairperson and staff involved with the program.
- Review of minimum standards and procedures for Program Administration.
- Staff interviews
- Site and/or Service Delivery Sites reviews
- Case Record Reviews at designated sites.
- Observation of a service performed for one or more clients by staff.
- Denied files

- Client Interview
- Fiscal record review
- Agency voids and transfers

700 Fair Hearing

	Georgia Division of Family and Children Services		
	LIHEAP Policy Manual		
	Policy Title:	Fair Hearing	
	Chapter:	700	Effective Date: March 2023
	Policy Number:	700	Previous Policy Number(s):

Requirements

All applicants/clients shall receive fair and equitable treatment and may request a fair hearing for the following reasons:

- Application for assistance is denied
- Application is not acted upon within a reasonable period of time
- Benefit level is less than applicant believes it should be

The State requires a due process hearing within the Department. The Office of State Administrative Hearing (OSAH) is responsible for the final decision of the hearing provision.

Community Action Agency must inform each applicant in writing of the following:

- Right to a fair hearing whenever any action affects his/her application/benefit.
- Right to be represented by an authorized representative such as legal counsel, relative, friend or another spokesperson
- Right to represent oneself
- Right to timely and adequate notice of denial/benefit change

Basic Considerations

A request for a hearing is a clear expression, made verbally or in writing by an applicant, recipient, or his/her protective payee to the effect that he or she wants the opportunity to present their case to a higher authority.

LIHEAP cases involving an alleged or suspected fraud are referred to the Office of Inspector General's Benefit Integrity and Recovery Unit (BIRU) for investigation. OIG is responsible for ensuring the appropriate adjudication of these cases either through administrative disqualification hearings or referrals for prosecution.

Fair Hearing Request

- Is defined as a clear written or oral expression by the applicant or applicant's authorized representative of the desire to appear before a higher authority.

- The individual must request a hearing within thirty (30) days of notification of the decision with which s/he disagrees (42 C.F.R. § 431.221(d)). In the event an oral request is made, the individual must submit a written request within fifteen (15) days of the original request. The individuals' freedom to request a fair hearing is a right guaranteed to ensure due process.
- All fair hearings shall be administered by the Office of State Administrative Hearings (OSAH) Administrative Law Judge (ALJ). OSAH is responsible for scheduling hearings and notifying the parties (the Petitioner and DHS/DFCS) of the date, time, and location of the hearing. An Administrative Law Judge (ALJ) from OSAH conducts hearings.
- DFCS is prohibited from disclosing Personally Identifiable Information (PII) or Protected Health Information (PHI) to unauthorized individuals. Therefore, DFCS will not disclose, discuss, or allow access to the applicant's or recipient's PII or PHI without authorization. DFCS processes hearing requests that are submitted on behalf of an applicant or recipient when DFCS is provided valid legal authorization.
- A qualified interpreter must be provided to assist customers who have limited English proficiency or who request an interpreter as a form of communication assistance due to a disability. Hearing procedures must be explained in the customer's preferred language.

Processing a Fair Hearing Request

Follow the steps below when an applicant, or his/her representative requests a fair hearing:

1. Within **three (3) business days** of Community Action Agency's receipt of a fair hearing request, review the record to determine the following:
 - Was the correct action taken? If not, correct the case and notify the applicant or recipient. S/he may choose to withdraw the request for a hearing.
 - Is the Applicant eligible on all points of eligibility other than the one at issue?
 - Is there enough information in the record to determine the correct amount of issuance? If not, the case worker will request the needed information and/or verification.
2. Within **three (3) business days** of State Office/DFCS's receipt of a fair hearing request, State Office/DFCS will attempt to discuss and resolve the complaint with the Applicant or the representative.
 - If a mutually satisfactory decision can be reached, the Applicant may withdraw the hearing request, **in writing**. Update the case based on the changes agreed upon during applicant/client contact.
 - If during applicant/client contact, a mutually satisfactory solution cannot be obtained or if unable to contact the applicant to discuss the complaint, electronically submit the following documents to OSAH within **five (5) business days** of State Office/DFCS receipt of fair hearing request:
 - original Form 118, Request for Hearing, or any written request for hearing presented by the applicant
 - Decision notice to the applicant or recipient of the action in dispute.
 - Original OSAH Form 1

NOTE

Make sure that any available contact information, including phone numbers and an email address for the applicant or recipient are included on the OSAH Form 1.

The Fair Hearing

The individual may have an authorized representative such as legal counsel, a relative, friend or other spokesperson, or he/she may represent himself/herself at the hearing. The individual and/or the authorized representative should have an adequate opportunity to:

1. Examine the releasable contents of the application and all documents/records to be used by DFCS/local Community Action Agency at the hearing at a reasonable time before the date of the hearing and/or at the hearing
2. Present the case and establish all pertinent facts and circumstances
3. Bring witnesses
4. Advance any arguments without undue interference; and
5. Question or refute any testimony or evidence, including the opportunity to confront and cross-examine adverse witnesses.

Once rendered, the decision of the ALJ becomes effective immediately. However, if an adverse decision is issued, the individual has a right to a further appeal to the DHS Commissioner through the DHS Appeals Reviewer. The DHS Appeals Reviewer shall notify the individual and his/her legal representative of the final decision and of the individual's right to pursue a separate legal action for judicial review outside of DHS.

Requirements

OSAH has specific duties regarding the requirements for and conduct of a hearing, which are consistent with Georgia's Administrative Procedure Act, other applicable laws, regulations, and OSAH's Administrative Rules of Procedure found at 616-1-2-.01 *et seq.*

Office of State Administrative Fair Hearings Responsibilities

OSAH initiates the following actions as needed:

- provides, at least **ten days** prior to the hearing, advance written notice to all involved parties in order to permit adequate preparation of the case.
- changes the time and/or location of the hearing upon its own motion or for good cause shown by the applicant, recipient, or protective payee.
- consolidating cases for which the sole issue is one of state and/or federal law, regulations, or policy.
- conducts a single hearing for multiple programs, if determined appropriate.
- determines numbers of persons who may attend the hearing.
- denies or dismisses a hearing request and grants continuances.

- utilizes only the facts and opinions that are evidence of record or which may be officially noticed and are, therefore, subject to the rights of objection, rebuttal, and/or cross examination by the involved parties.
- makes a decision within **ninety days** from the date of DFCS' receipt of the request for a fair hearing.
- mails the final hearing decision and related hearing notices to all involved parties.
- informs the Petitioner of his/her Superior Court appeal rights, if the Petitioner disagrees with the final decision.

Upon receipt of a hearing request, OSAH notifies the State Office/ DFCS and the applicant of the date and time of the hearing. The hearing may be conducted in the county at the DFCS or other government office, at the OSAH office in Atlanta or by telephone. State law prohibits the ALJ from providing legal advice to either party, including the state agency. As such, OSAH cannot assist the agency or the petitioning applicant or recipient in determining who should be present as witnesses at the hearing or what evidence is necessary to establish the case.

Rights and Responsibilities of Both Parties at the Fair Hearing

The applicant, or the applicant's representative also has the right to do the following:

- present the case with or without the aid of a representative, including legal counsel, a relative, friend or other spokesperson.
- request assistance from the agency for transportation to/from the hearing.
- present arguments without undue interference.

The applicant, and the agency present its case by (list is not exhaustive):

- bringing and/or requesting the appearance of witnesses by subpoena (if needed),
- establishing all pertinent facts and circumstances,
- questioning and refuting any testimony or evidence, including the opportunity to question and cross-examine adverse witnesses.

The Community Action Agency is responsible for the following:

- ensure the presence at the hearing of staff members with direct knowledge of the facts in dispute
- ensure that all relevant agency records and copies are legible and available as evidence

The Final Hearing Decision

The final hearing decision is issued within ninety days from the date the written request for a hearing is received by DFCS, except in the event of a postponement or continuance. Hearing decisions are based on the evidence presented at the hearing.


An ALJ shall have all the powers of the ultimate decision maker in the agency with respect to a contested case. Hearing decisions specify the reason for the decision, which includes findings of fact,

conclusions of law, and a disposition of the case.

The following shall be a part of the hearing record:

- a. all rulings, orders, and notices issued by the court.
- b. all pleadings and motions.
- c. all recordings or transcripts of oral hearings or arguments.
- d. all written direct testimony.
- e. all other data, studies, reports, documentation, information, other written material of any kind, and physical evidence submitted in the proceedings.
- f. a statement of matters officially noticed.
- g. all proposed findings of fact, conclusions of law, and briefs; and
- h. the Decision issued in the matter

800 Americans with Disabilities Act and Section 504

	Georgia Division of Family and Children Services Civil Rights Policy Manual			
	Chapter:	3600	Effective Date:	December 4, 2020
	Policy Title:	Americans with Disabilities Act and Section 504 of the Rehabilitation Act	Reviewed:	April 1, 2024
			Next Review:	April 1, 2026
	Policy Number:	3601	Previous Policy Number(s):	FS Policy 3025, MA Policy 2020, TANF Policy 1004

Policy

No qualified individual with a disability shall, on the basis of disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of the Division of Family and Children Services (DFCS).

Scope

This policy of nondiscrimination is equally applicable to DFCS and Georgia Department of Human Services staff, including volunteers and interns, and its subrecipients, contractors, grantees, agents, and providers of services (“Providers”), who assist with or administer programs, services, and activities that fall under DFCS’ Office of Family Independence (OFI). This policy is not applicable to child welfare and employment matters.

Requirements

DFCS must:

- Make reasonable modifications in policies, practices, or procedures when necessary to avoid discrimination on the basis of disability, unless it is demonstrated that making the modification would fundamentally alter the nature of the service, program, or activity or would result in undue financial and administrative burdens;
- Provide public notices regarding the right of qualified individuals with disabilities to make a request for reasonable modifications and auxiliary aids and services;
- Provide equally effective communication with primary consideration given to the person with a disability by considering the nature, length, complexity, and context of the communication and the person’s normal method(s) of communication; and,
- Administer services, programs, and activities in the most integrated setting appropriate to the needs of qualified individuals with disabilities.

Authorities / References

(This list is not exhaustive)

- Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 794; 7 C.F.R. §§ 15b et seq. [USDA], 45 C.F.R. §§ 84.1 et seq. [HHS]
- Title II of the Americans with Disabilities Act of 1990 (“ADA”) as amended by the ADA Amendments Act of 2008, 42 U.S.C. §§ 12131 et seq., 28 C.F.R. §§ 35.101 et seq. [DOJ]
- Title III of the ADA as amended by the ADA Amendments Act of 2008, 42 U.S.C. §§ 12181 et seq., 42 U.S.C. §12205a; 28 C.F.R. §§ 36.101 et seq. [DOJ]) (as applicable)
- Section 11(c) of the Food and Nutrition Act of 2008, as amended, 7 U.S.C. § 2020(c) [USDA]
- R.H. et al. v. Rawlings et al., CAFN: 1:17-CV-01434-TWT (N.D. Ga. 2019) (Consent Order, filed on June 4, 2019)
- FNS Nondiscrimination Compliance, 7 C.F.R § 247.4(c)(6), 7 C.F.R § 251.10(c), and 7 C.F.R. § 272.6
- FNS Instruction 113-1: Civil Rights Compliance and Enforcement – Nutrition Programs and Activities and its Appendix A and Appendix C

Definitions

NOTE

Some of the definitions below are available at ADA.gov and are derived from the ADA, the Rehabilitation Act, and implementing regulations.

Auxiliary Aids and Services

Includes but is not limited to qualified sign language interpreters, telephone handset amplifiers, assistive listening devices, closed caption decoders, real time captioning, TTY/TTD relay services for Deaf and hard-of-hearing, screen reader software, Braille Embossers, text to Braille converter, large print materials, alternative keyboards for individual who are blind and have low vision.

Companion

any family member, friend, or associate of a person seeking or receiving an entity’s goods or services who is an appropriate person with whom the entity should communicate.

Disability

means, with respect to an individual: (i) A [physical or mental impairment](#) that [substantially limits](#) one or more of the [major life activities](#) of such individual; (ii) A record of such an impairment; or (iii) Being regarded as having such an impairment as described in [paragraph \(f\)](#) of this section.

Mobility Aids and Other Power-Driven Mobility Devices

any mobility device powered by batteries, fuel, or other engines... that is used by individuals with mobility disabilities for the purpose of locomotion, including golf cars, electronic personal assistance mobility devices... such as the Segway® PT, or any mobility device designed to operate in areas without defined pedestrian routes, but that is not a wheelchair.

Qualified Individual with a Disability

An individual with a disability who, with or without reasonable modifications to rules, policies, or practices, the removal of architectural, communication, or transportation barriers, or the provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by the Department.

Qualified Interpreter

An interpreter who, via a [video remote interpreting \(VRI\) service](#) or an on-site appearance, is able to interpret effectively, accurately, and impartially, [both](#) receptively and expressively, using any necessary specialized vocabulary. Qualified interpreters include, for example, sign language interpreters, oral transliterators, and cued-language transliterators.

Reasonable Modification

Modifications to rules, policies, practices, or procedures, the removal of architectural, or transportation barriers as described in 28 C.F.R. § 35.130(b)(7). This definition excludes modifications that would result in a fundamental alteration in the nature of a service, program, or activity or that would result in undue financial and administrative burdens, under the conditions specified in 28 C.F.R. § 35.130(b)(7), 28 C.F.R. § 35.164 and elsewhere.

NOTE

R.H. et al. v. Rawlings et al., CAFN: 1:17-CV-01434-TWT (N.D. Ga. 2019) (Consent Order filed on June 4, 2019) considers provision of auxiliary aids and services a reasonable modification. However, the ADA regulations list equally effective communication requirements and auxiliary aids and services separate and distinct from reasonable modifications. DFCS will ensure equally effective communication as described in 28 C.F.R § 35.160 and 28 C.F.R § 36.303.

Reasonable Modification and Communication Assistance Request Form

A form, either in paper or electronic format that can be used, at the option of the customer with a disability, to request a reasonable modification or communication assistance and for purposes of tracking the request and response.

Request for Reasonable Modification and Communication Assistance

Any specific written or oral statement by or made appropriately on behalf of a customer with a disability, including through the “Reasonable Modification and Communication Assistance Request Form” that indicates the individual has a disability for which he or she needs a reasonable modification or communication assistance to access all DFCS programs, benefits, or activities. A request for reasonable modification includes instances where the individual initiates the request for assistance.

Service Animal

Any dog that is individually trained to do work or perform tasks for the benefit of an individual with disabilities.

Video Relay Service (VRS)

A free, subscriber-based service for people who use sign language and have videophones, smart phones, or computers with video communication capabilities. For outgoing calls, the subscriber

contacts the VRS interpreter, who places the call and serves as an intermediary between the subscriber and a person who uses a standard voice telephone. The interpreter tells the telephone user what the subscriber is signing and signs to the subscriber what the telephone user is saying.

Video Remote Interpreting (VRI)

An interpreting service that uses video conference technology over dedicated lines or wireless technology offering high-speed, wide-bandwidth video connection that delivers high-quality video images as provided in [28 C.F.R. § 35.160\(d\)](#).

Wheelchair

A manually operated or power-driven device designed primarily for use by an individual with a mobility disability for the main purpose of indoor or of both indoor and outdoor locomotion.

Coordination of Services / Self-Assessment / Monitoring

DFCS must designate an individual to serve as the point of contact for staff and the general public regarding ADA disability access matters and to coordinate implementation of this policy. Local government agencies and other public entities with whom the DFCS contracts that employ 50 or more persons must also designate at least one employee to coordinate its efforts to comply with the ADA. (Reference: 28 C.F.R. § 35.105)

DFCS and its Providers that receive federal financial assistance (FFA) from the USDA and that employ 15 or more individuals must also appoint a Section 504 coordinator to coordinate services and resources for individuals with disabilities. One person may coordinate implementing regulations, directives, and guidance for both statutes. The name, office address, and telephone number of the ADA/Section 504 Coordinator must be provided to all interested persons. (References: 7 C.F.R. § 15b.6 and 45 C.F.R. § 84.7)

The primary responsibilities of the ADA/Section 504 Coordinator are listed in Attachment 1. The State DFCS ADA/Section 504 Coordinator must convene regular meetings with ADA/Section 504 Coordinators serving the DFCS local agencies, subrecipients and contractors that deliver services directly to the public. For a list of DFCS OFI District ADA Coordinators, please visit: dfcs.georgia.gov/adasection-504-and-civil-rights.

Qualified Individual with a Disability

An individual with a disability under the ADA is defined as a person with a physical or mental impairment that substantially limits one or more major life activity; a person who has a record of such an impairment; or a person who is regarded as having such an impairment. The term individual with a disability does not include an individual who is currently engaging in the [illegal use of drugs](#) or alcohol.

Qualified individual with a disability means an [individual with a disability](#) who, with or without [reasonable modifications](#) to rules, policies, or practices, the removal of architectural, communication, or transportation barriers, or the provision of [auxiliary aids and services](#), meets the essential eligibility requirements for the receipt of services or the participation in programs or activities pro-

vided by a [public entity](#).

Public Notifications

DFCS and its Providers must notify individuals with disabilities about the availability of free reasonable modifications and auxiliary aids and services and how to request them in a format that individuals can understand. DFCS and its Providers also must notify the public about the right to file a discrimination complaint. The DFCS Notice of ADA/Section 504 Rights regarding the rights of people with disabilities and provisions of services are available on Gateway, in all applications and renewal forms for Supplemental Nutrition Assistance Program (SNAP) also known as “Food Stamps”, Temporary Assistance for Needy Families (TANF), and Medicaid programs, in all county offices, and online at: dhs.georgia.gov/forms-notice and dfcs.georgia.gov/adasection-504-and-civil-rights.

DFCS and its Providers must post signage at all inaccessible entrances to each of its facilities, directing users to an accessible entrance or to a location at which they can obtain information about accessible facilities. The international symbol for accessibility must be used at each accessible entrance of a facility.

Notices must be provided in alternative formats upon request. Copies of the Notice of ADA/Section 504 Rights and Request for Reasonable Modification and Communication Assistance forms must be available in waiting rooms. Staff must read the Notice of ADA/Section 504 Rights to individuals upon request or as necessary to ensure understanding and to complete the Request for Reasonable Modifications and Communication Assistance form. More information can be found online at: dfcs.georgia.gov/adasection-504-and-civil-rights.

Notices regarding a right to file a discrimination complaint must be posted in accordance with federal agency directives. Refer to MAN 3700 ([DFCS Civil Rights Policy](#)) in PAMMS. The joint U.S. Department of Agriculture (“USDA”), U.S. Department of Health and Human Services’ (“HHS”) Joint Notice of Nondiscrimination must be posted in accordance with FNS Instruction 113-1 and subsequent FNS directives. It is located online at dfcs.georgia.gov/adasection-504-and-civil-rights.

The appropriate “And Justice for All” poster must be prominently displayed in all offices where there is a USDA presence and where it may be read by customers. Please note that institutions participating in or administering USDA programs, such as SNAP, The Emergency Food Assistance Program (TEFAP), and the Commodity Supplemental Food Program (CSFP) are required to display the appropriate “And Justice for All” poster in their facilities where it can be viewed by customers. All “And Justice for All” posters must be displayed in a specific size: 11” width x 17” height. Information can be found online at: www.fns.usda.gov/cr/and-justice-all-posters-guidance-and-translations. Contact the appropriate program director to obtain a hardcopy of the AJFA poster.

Procedures for Processing Customer Requests for Reasonable Modification(s)

Reasonable modifications afford an individual with a disability an equal opportunity to participate in all DFCS programs and receive all benefits and services for which that individual is otherwise eligible. Providing a reasonable modification may take many forms including, but not limited to, pol-

icy or procedural modifications, deferral from certain activities, and extensions of deadlines. Examples of making reasonable modifications at the administrative level include making existing facilities readily accessible to and usable by an individual with a disability and acquiring or modifying equipment.

With reasonable modifications, a person with a disability can participate fully in programs, services, and activities. Reasonable modifications are fact-specific and tailored to the individual circumstances of the person with a disability. Assessing possible reasonable modifications is a collaborative, interactive process. The starting point should always be, if possible, the customer's preferred modification. The customer's preference should provide the context for determining what a reasonable modification might be. When processing a request for reasonable modification or communication assistance, staff must not request or require verification of a customer's or companion's disability. While staff cannot ask customers to identify their disability, staff may ask what major life activity is substantially impaired or limited by their disability.

Once a customer requests a reasonable modification, eligibility workers are required to document the following in Gateway: The date(s) and type(s) of reasonable modifications requested by the customer, the date a request for reasonable modification was granted or denied, the reason the request for reasonable modification was denied, if applicable, and the specific approved or denied reasonable modification(s).

If the customer expresses a need for assistance related to a disability, expresses difficulty completing any task in the application/renewal process, and/or has a disability that is documented in Gateway, eligibility workers are required to explain tasks to the customer. *Workers must complete in the application and/or renewal process, inquire whether the customer experiences difficulty completing any task or may need assistance completing any task, the reason(s) for the difficulty and/or need for assistance and possible reasonable modifications with the customer.

When a written request for reasonable modification is mailed, faxed, emailed, or hand-delivered to a local county DFCS office or other appropriate staff, that staff must forward the request to an eligibility worker for processing. Eligibility workers are required to review the customer's case file in Gateway prior to or during every interaction with the customer and before taking any action on the customer's case. Current processes for documenting in Gateway for reasonable modifications can be found in the Gateway Training.

Staff are required to provide reasonable modifications to qualified individuals with a disability at every point of interaction with customers in the OFI eligibility process, whether in person, on-line, by telephone, or by mail, including inquiries about applications for benefits. Staff must assess requests for reasonable modifications as part of a collaborative, interactive process, applying a fact-specific, individualized analysis of the person's circumstances and the modification requested to assist the individual to access OFI programs and provide the necessary information to determine program eligibility. Decisions concerning a customer's request for a reasonable modification may incorporate the following factors, assessed cooperatively with the customer: (1) how the customer's disability impairs access to OFI programs; (2) how the disability limits the customer's ability to comply with program eligibility procedures; (3) reasonable modification options that address those limitations; and (4) the effectiveness and feasibility of the proposed options. Provisions of reasonable modifications are based on a fact-specific inquiry that is to be assessed on a case-by-case basis and may be limited by regulation.

All eligibility workers have the responsibility and authority to offer, grant, and implement necessary reasonable modifications to customers with disabilities. DFCS staff do not have authority to grant a request for reasonable modification to program policy rules, such as income verification. Common examples of reasonable modifications, include, but are not limited to:

- Assistance gathering documents required by the program to support initial and ongoing eligibility for benefits;
- Flexible appointments and training requirements including scheduling appointments, so they do not conflict with customer's medical appointments, rehabilitation, or therapy;
- Allowing customers to reschedule appointments, potentially multiple times, when a disability prevents attendance;
- Giving a customer more time to submit documents or complete other tasks;
- Reading and explaining notices, rights and responsibilities forms, and other program materials to the customer, repeatedly, if necessary, to help ensure understanding;
- Modifying work activities unless not authorized by program policy and regulations;
- Providing access for persons with disabilities who rely on service animals, wheelchairs, mobility aids or Other Power-Driven Mobility Devices (OPMD).

How to Request Reasonable Modification(s)

- Individuals with disabilities may require reasonable modifications to assist them with accessing DFCS programs and services, complying with program requirements, avoiding potential sanctions for noncompliance. All customers have the right to request a reasonable modification. Customers may direct a request for a reasonable modification to any appropriate DFCS staff member at any time. Customers may make a request for reasonable modifications orally or in any written form. Staff who do not have access to Gateway, such as receptionists, should forward the requests to an eligibility worker for processing. They may also complete the Reasonable Modification and Communication Assistance Request Form (Form 101). Customers are not required to use the form to make a request for reasonable modifications. Customers may obtain the reasonable modification request form in customer waiting rooms in each county DFCS office and RSM location. The form is also available online at dhs.georgia.gov/forms-notice and dfcs.georgia.gov/adasection-504-and-civil-rights. DFCS Office of Family Independence (OFI) eligibility staff are required to document any oral request or written requests for reasonable modifications in the customer's Gateway case file.
- Staff must provide the Reasonable Modification and Communication Assistance Request Form ("Form 101") to any customer upon request and may provide this form to any customer if a staff member believes they may require a reasonable modification. Forms are to be made available to customers in alternate formats as requested (i.e. large print or braille). Staff are required to assist customers with the completion of Form 101, if necessary. If a customer discloses a disability, staff members will inform the customer of his/her right to make a request for reasonable modifications and will be provided examples of reasonable modifications.

Denial of Request for Reasonable Modification(s)

Only the DFCS Division Director or his/her designee has the authority to deny, in whole or in part, reasonable modification requests or otherwise refuse requests for reasonable modifications.

DFCS and its Providers are not required to provide a reasonable modification that would fundamentally alter the program, service, or activity or would result in an undue financial or administrative burden. The determination that undue burdens would result must be based on all resources available for use by DFCS or its Providers. If the modification requested would cause undue financial burden on the program or activity to the level that it would make continued operation of the program unfeasible, the modification need not be provided. However, denying a modification(s) under the fundamental alteration exception should not result in the denial of access to the program or other benefits or services. DFCS and its Providers still must provide services to the person with a disability as appropriate to the maximum extent possible.

If eligibility workers are unsure about whether a reasonable modification can or should be provided, they must consult with a supervisor at the time the request for reasonable modification is received or as soon as reasonably possible thereafter. If a supervisor agrees that a reasonable modification can and should be provided, the eligibility worker is required to provide the requested modification to the customer. However, if the supervisor recommends that the request for reasonable modification be denied, the supervisor must submit the DFCS Reasonable Modifications (RM) and Communication Assistance (CA) Tracking Form and any supporting documentation with recommendations for review to the District ADA/Section 504 Coordinator.

The District ADA/Section 504 Coordinator reviews the supervisor's denial request and forwards the Reasonable Modification and Communication Assistance Request Tracking Form 102 (Please see Attachment 2) to the State DFCS ADA/Section 504 Coordinator. For instructions on how to complete Form 101 and/or Form 102, please see Attachment 3. The State DFCS ADA/Section 504 Coordinator will review the complaint involving request for reasonable modification and the denial request and will consult with the appropriate DFCS OFI Program Unit Manager and/or OFI Director. Only the DFCS Division Director or his/her designee has the authority to deny, in whole or in part, reasonable modification requests or otherwise refuse requests for reasonable modifications. After the final agency decision on the request for reasonable modifications is made, the DFCS District ADA/Section 504 Coordinator is responsible for drafting and providing a written decision to the customer, after consultation with the State DFCS ADA/Section 504 Coordinator.

Procedures for Equally Effective Communication

DFCS and its Providers must ensure communications with applicants, participants, members of the public and companions with disabilities are as effective as communications with others. In some situations, DFCS may communicate with a customer's companion with a disability. A companion is any family member, friend, or associate of a person seeking or receiving an entity's goods or services who is an appropriate person with whom the entity should communicate.

DFCS and its Providers must provide appropriate auxiliary aids and services when necessary to ensure effective communication with individuals with disabilities. This includes an obligation to provide effective communication to companions with disabilities. These aids and services must be

provided at no cost to the customer and in a timely manner that protects the privacy and independence of customers with a disability.

Auxiliary aids and services refer to the ways to communicate with people who have communication disabilities (e.g., DFCS customers with hearing, vision, and speech disabilities). Auxiliary aids and services include but are not limited to qualified sign language interpreters, telephone handset amplifiers, assistive listening devices, closed caption decoders, real time captioning, TTY/TTD relay services for Deaf and hard-of-hearing, screen reader software, Braille Embossers, text to Braille converter, large print materials, alternative keyboards for individuals who are blind and have low vision.

Examples of auxiliary aids and services for people who are blind, have vision loss, or are DeafBlind might be:

- Providing a qualified reader, information in large print, Braille, or electronically for use with a computer screen-reading program, or an audio recording of printed information.

Examples of auxiliary aids and services for people who are Deaf, have hearing loss, or are DeafBlind might be:

- Providing a qualified note taker, a qualified sign language interpreter, oral interpreter (non-language), cued-speech interpreter, or tactile interpreter; real-time captioning; or written materials.

Examples of auxiliary aids and services for people who have speech disabilities might include:

- Providing a qualified speech-to-speech transliterator (a person trained to recognize unclear speech and repeat it clearly), especially if the person will be speaking at length, or just taking more time to communicate with someone who uses a communication board.

Video remote interpreting (VRI) services also provide qualified interpreters. A [public entity](#) that chooses to provide qualified interpreters via VRI services must ensure that the computer or other device meets the technological requirements of the ADA at 28 CFR 35.160(d).

Eligibility workers are required to provide application and renewal forms, system-generated individual and household communications and notices of decision (i.e. approvals, changes, terminations, and denials) and renewal notices in large print, Braille, audio format, or data format to qualified individuals with a disability upon request and as required by law.

The key to communicating effectively is to consider the nature, length, complexity, and context of the communication and the person's normal method(s) of communication. This may also involve verifying that the communication is understood, using multiple methods of explanation to the individual.

With respect to communication disabilities, state or local government agencies must give primary consideration to the person's choice of auxiliary aid and service, unless it can demonstrate that another equally effective means of communication is available, or that the use of the means chosen would result in a fundamental alteration or a financial or administrative undue burden. [28 C.F.R. § 35.160(b)(2)]. If the choice expressed by the person with a disability would result in an undue burden or a fundamental alteration, the public entity still has an obligation to provide an alternative

aid or service that provides effective communication if one is available. The decision that a particular aid or service would result in an undue burden or fundamental alteration must be made by the DFCS Division Director or his/her designee and must be accompanied by a written statement of the reasons for reaching that conclusion.

Public accommodations (e.g. private community partner agencies) that provide DFCS services are encouraged to consult with the person with a disability to discuss what aid or service is appropriate. The goal is to provide an aid or service that will be effective, given the nature of what is being communicated and the person's method of communicating.

When an eligibility worker or other staff becomes aware that a customer has a disability that substantially limits the customer's ability to see, hear or speak, the eligibility worker or staff must inquire as to the customer's potential need for auxiliary aids and services. If a customer expresses a need for assistance related to a disability, or if the customer has a disability that is documented in Gateway, eligibility workers who have access to Gateway are required to discuss the possible need for auxiliary aids and services with the customer using the Gateway written prompts. If a customer indicates that he or she does not wish to disclose or to discuss their disability, staff will not make further inquiries on these subjects.

Individuals with disabilities may request an auxiliary aid or service by completing the Reasonable Modification and Communication Assistance Request Form (Form 101). Please refer to the Reasonable Modifications Section above for procedures handling documenting requests for assistance in Gateway.

DFCS and its Providers must assure that any interpreter used to communicate with a DFCS customer with a disability is qualified to do so. This includes qualified interpreters (i.e. American Sign Language, signed exact English interpreters, cued speech interpreters, oral interpreters, tactile interpreters, and Computer Assisted Real-time Transcription (CART)). When a customer who is Deaf or hard-of-hearing notifies staff that the interpreter provided is not qualified to interpret for that customer, either DFCS or its Provider staff must arrange for a qualified interpreter service or other appropriate auxiliary aid and service, as required by law.

DFCS and Provider staff are prohibited from requiring a customer to bring a person to serve as the interpreter. Staff will not rely on an adult accompanying a customer with a disability to interpret or facilitate communications except (a) in an emergency involving an imminent threat to the safety or welfare of an individual or the public where there is no interpreter available, or (b) where the customer with a disability specifically requests that the accompanying adult interpret or facilitate communication, the accompanying adult agrees to provide such assistance, and reliance on that adult for such assistance is appropriate under the circumstances.

Staff will not rely on a minor child to interpret or facilitate communications with a customer, except in an emergency involving an imminent threat to the safety or welfare of an individual or the public where there is no interpreter available.

Wheelchairs, Mobility Aids and Other Power-Driven Mobility Devices

DFCS and its Providers must allow individuals with disabilities who use wheelchairs, mobility aids

or other power-driven mobility devices (OPDMD) into all areas where the public is allowed to go, unless the entity can demonstrate that the particular type of device cannot be accommodated because of legitimate safety requirements. Such safety requirements must be based on actual risks, not on speculation or stereotypes about a particular class of devices or how individuals will operate them.

Staff must consider these factors in determining whether to permit OPDMDs on their premises:

- the type, size, weight, dimensions, and speed of the device;
- the volume of pedestrian traffic (which may vary at different times of the day, week, month, or year);
- the facility's design and operational characteristics, such as its square footage, whether it is indoors or outdoors, the placement of stationary equipment, devices, or furniture, and whether it has storage space for the device if requested by the individual;
- whether legitimate safety standards can be established to permit the safe operation of the device; and
- whether the use of the device creates a substantial risk of serious harm to the environment or natural or cultural resources or poses a conflict with Federal land management laws and regulations.

Communicate clearly to the public any OPDMD not permitted in an area where DFCS programs, services and activities are offered. Staff may not ask individuals using such devices about their disability but may ask for a credible assurance that the device is required because of a disability. If the person presents a valid, State-issued disability parking placard or card or a State-issued proof of disability, it must be accepted as credible assurance on its face. If the person does not have this documentation, but states verbally that the device is being used because of a mobility disability, that also must be accepted as credible assurance, unless the person is observed doing something that contradicts the assurance.

Service Animals

Under the ADA, a service animal is defined as a dog that has been individually trained to do work or perform tasks for a person with a disability. DFCS and its Providers must provide individuals with disabilities with service animals an equal opportunity to participate in DFCS programs, services, and activities.

Staff may ask two questions in relation to a service animal:

1. Is the dog a service animal required because of a disability?
2. What work or task has the dog been trained to perform?

Service animals must be allowed in all areas of a facility where the public is allowed except where the dog's presence would create a legitimate safety risk or would fundamentally alter the nature of a public entity's services. Service animals may be excluded only if 1) the dog is out of control and the handler cannot or does not regain control; or 2) the dog is not housebroken. If a service animal is excluded, staff must allow individuals to enter the facility without the service animal.

A service animal must have a harness, leash or other tether, unless the handler is unable to use a tether because of a disability or the use of a tether would interfere with the service animal's ability to safely perform its work or tasks. In these cases, the service animal must be under the handler's control through voice commands, hand signals, or other effective means. If a service animal is excluded, the individual with a disability must still be offered the opportunity to obtain goods, services, and accommodations without having the service animal on the premises.

DFCS employees may ask an individual with a disability to remove a service animal if the animal is not housebroken or is out of control and the individual is not able to control it. If DFCS properly excludes a service animal, DFCS cannot unlawfully exclude the customer from accessing its services, programs, or activities and must give the individual with a disability the opportunity to participate in programs, services, or activities without the service animal being present.

Staff may not require individuals with disabilities to provide documentation, such as proof that the animal has been certified, trained, or licensed as a service animal, as a condition for entry. Service animals are not required to wear service animal vests or patches, or to use a specific type of harness.

Allergies and fear of dogs are not valid reasons for denying access or refusing service to people using service animals. When a person who is allergic to dog dander and a person who uses a service animal must spend time in the same room or facility, they both should be accommodated by assigning them, if possible, to different locations within the room or different rooms in the building. But, as with any reasonable modification, determination on how to address allegations involving allergies or other direct threat or safety concerns is done on a case-by-case basis.

Miniature Horses

Although not service animals, miniature horses have similar protections under the ADA. DFCS and its Providers must permit access where reasonable for miniature horses that are individually trained to do work or perform tasks for individuals with disabilities. Federal regulations set out four assessment factors to assist staff in determining whether miniature horses can be accommodated in their facility. The assessment factors are (1) whether the miniature horse is housebroken; (2) whether the miniature horse is under the owner's control; (3) whether the facility can accommodate the miniature horse's type, size, and weight; and (4) whether the miniature horse's presence will not compromise legitimate safety requirements necessary for safe operation of the facility.

Access to Websites and Online Systems

DFCS and its Providers must ensure program websites and online systems are accessible to persons with disabilities. DFCS and its Providers should ensure that in-house staff and contractors responsible for web page and content development are properly trained. DFCS and its Providers must provide a way for visitors to request accessible information or services to the extent required by law. Information for web developers interested in making their web pages as accessible as possible, including the current version of the **Web Content Accessibility Guidelines** (and associated checklists), can be found at www.w3c.org/WAI/Resources.

Physical Access to Buildings and Facilities

DFCS and its Providers must ensure individuals with disabilities are not excluded from programs and services because facilities are unusable or inaccessible to them. These entities must ensure that individuals with disabilities have access to programs and services under the same terms and conditions as individuals without disabilities. These entities must abide by the ADA Standards for Accessible Design.

Safety

DFCS and its Providers may impose legitimate safety requirements necessary for the safe operation of its services, programs, or activities. However, the public entity must ensure that its safety requirements are based on real risks, not on speculation, stereotypes, or generalizations about individuals with disabilities.

Direct Threat

Direct Threat means a significant risk to the health or safety of others that cannot be eliminated by a modification of policies, practices or procedures, or by the provision of auxiliary aids or services as provided in 28 C.F.R. § 35.139 (Title II) and 28 C.F.R. § 36.208 (Title III).

The ADA does not require DFCS or its Providers to permit an individual to participate in or benefit from the services, programs, or activities of DFCS when that individual poses a direct threat to the health or safety of others (not to self). In determining whether an individual poses a direct threat to the health or safety of others, DFCS and its Providers must make an individualized assessment, based on reasonable judgment that relies on current medical knowledge or on the best available objective evidence to ascertain: the nature, duration, and severity of the risk; the probability that the potential injury will actually occur; and whether reasonable modifications of policies, practices, or procedures or the provision of auxiliary aids or services will mitigate the risk.

Fundamental Alteration / Undue Burden

The State agency, local agency, subrecipients and contractors are not required to modify its policies, practices, or procedures if the entity can demonstrate that making the modification would fundamentally alter the nature of the service, program, or activity. If the modification requested would cause undue financial burden on the program or activity to the level that it would make continued operation of the program unfeasible, the modification need not be provided. However, denying a modification(s) under the fundamental alteration exception should not result in the denial of access to the program or other benefits or services.

The decision that a particular aid or service would result in an undue burden or fundamental alteration must be made by the DFCS Division Director or his/her designee and must be accompanied by a written statement of the reasons for reaching that conclusion. The State agency, local agency, subrecipients and contractors still must provide services to the maximum extent possible.

Staff Training

For Civil Rights training requirements, please refer to the DFCS [Civil Rights Policy](#) – MAN 3700.

Complaints Processing

All DFCS customers and the public have a right to file a complaint of discrimination on the basis of race, color, national origin, disability, age, sex and in some cases religion or political beliefs, or for reprisal or retaliation for engaging in prior civil rights activity. For more information, reference the DFCS Civil Rights and ADA/Section 504 Complaint Process and the DFCS Civil Rights, ADA/Section 504 Complaint Form on the DFCS Nondiscrimination and Disability webpage at: dfcs.georgia.gov/adasection-504-and-civil-rights.

Attachments

Attachment 1: DFCS District and State ADA/Section 504 Coordinator Duties

Attachment 2: Reasonable Modification and Communication Assistance Request Tracking Form (102)

Attachment 3: ADA/RM Form 101 and 102 Instructions

Attachment 4: ADA RM Form 101 and 102 County Tracking Log 1_24_20

Attachment 5: US Department of Justice (DOJ), ADA Requirements: Effective Communication

Attachment 6: DOJ ADA Title II Primer

Attachment 7: DOJ Accessibility of State and Local Government Websites to People with Disabilities