**ADA & SECTION 504**  
**FOR CHARTER & CONTRACT SCHOOLS**

Organizations that partner with CPS to run charter and contract schools are responsible for ensuring compliance with all applicable disability access laws, including Titles I and III of the Americans with Disabilities Act [ADA] and Section 504 of the Rehabilitation Act of 1973 [Section 504].

1. Title I of the ADA applies to all employers with 15 or more employees; Title III of the ADA applies to all non-governmental organizations that operate schools, including non-profit organizations; and Section 504 applies to any entity that receives direct or indirect Federal financial assistance. Each CPS charter/contract school organization must ensure that all of the requirements of both laws are met.

In general, these two statutes require organizations to take measures to ensure equal access for persons with disabilities in:

- employment  
- policies & practices  
- buildings & activities  
- communications & IT

These obligations often go beyond obligations to students with disabilities under the IDEA. For instance, IDEA generally does not require building modifications, but the ADA and Section 504 do. Moreover, the ADA and Section 504 require accommodations not only for students but also parents, community members, employees, and others who seek to participate in school activities.

**LEGAL REQUIREMENTS**

The following is a thumbnail sketch of some of the ADA and Section 504 requirements that are most relevant to new charter, contract, and performance schools. These laws contain many more specifics and additional requirements. Each outside partner organization is responsible for compliance with all applicable requirements.

| Employment Practices | • Cannot utilize exclusionary or unequal policies for qualified individuals with disabilities in recruitment, hiring, job assignments, pay, lay-offs, firing, training, promotions, benefits, leave or any other employment related activities.  
• Must make reasonable accommodations for qualified individuals with disabilities who can perform the essential functions of their job either with or without a reasonable accommodation.  
Example: must order desk with adequate knee space for teacher who uses wheelchair, if reasonable under circumstances |
| --- | --- |
| Policies, Practices & Procedures | • must make reasonable modifications if necessary to accommodate persons with disabilities  
Example: must waive no-animal policy to enable a guide dog user to attend school play |
| Buildings & Activities | • Buildings and the programs and activities within them must be accessible to persons with disabilities.  
• The extent to which each building must comply with ADA construction standards depends on its age.  
• But no buildings are “grandfathered” or exempt, and local permitting officials cannot grant waivers of any requirements. |
| • New Construction | • must be fully compliant with ADA new construction standards  
Example: a school building built in 1993 must meet all ADA new construction standards, including:  
- main entrance and 50% of all entrances wheelchair accessible  
- elevator to all levels  
- sufficient width and clearance at all doors into and within rooms  
- wheelchair accessible stall in each student & employee restroom  
- visual fire alarms  
- raised lettering & Braille on all room signs³ |
| • Altered Areas | • Altered areas, the routes to them from outside the building, and the restrooms and water fountains serving them must comply with ADA new construction standards to the maximum extent feasible, given the existing building structure and specified cost limits.⁴  
Example: building an addition to a school triggers the requirements that:  
- all areas of the addition comply with all feasible ADA new construction standards; &  
- the route to the addition from parking and sidewalks be made accessible, up to the required cost limit; & |

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1. In addition, charter and contract schools must meet the accessibility requirements of the Illinois Environmental Barriers Act and the Chicago Building Code.
2. Performance schools, in contrast, are subject to the same rules and regulations that apply to CPS. Performance school organizers should work closely with the Director of ADA Policy to understand these obligations.
3. These are only a few of the ADA new construction requirements, which can be found at 28 C.F.R. pt. 36, App. A. There are additional requirements for elementary schools and playground areas.
4. There are additional alterations requirements under the Illinois Environmental Barriers Act and the Chicago Building Code.
## All Other Areas & Buildings

2 requirements, from the 2 different laws, apply to these areas.

1) **Readily Achievable Barrier Removal** (ADA Title III requirement)

Must modify every building/area to comply with ADA new construction standards to the extent it is “readily achievable,” given the existing building structure and your financial resources. “Readily achievable” means easily accomplishable without significant difficulty or expense. Thus, if charter organization has or can obtain funding without significant difficulty to modify any building features to be accessible, it must do so.

**Example:** Charter organization qualifies for a loan of $100,000, which would pay for all ADA upgrades except an elevator. The organization must make these changes, if the building will allow.

**Notes:**
- Must make building changes regardless of the actual or likely use of the space by persons with disabilities
  - May not wait for request from person with a disability
  - Must make changes on the 2nd floor — such as widening doorways and installing accessible restroom stalls — despite the absence of an elevator. The ADA requires this: a) because some people can get to that floor using steps but need accessibility features once they get there; and b) to expedite accessibility in case an elevator is installed in the future.
- This is a continuing obligation, up to the point that your building meets all feasible ADA new construction standards.
  - If some modifications are not initially readily achievable, organization must assess and, if necessary, seek funding for remaining changes each year
  - If full accessibility will not be readily achievable at opening, organization should devise multi-year plan for full compliance before Board of Education approval.
- Requirement applies to all buildings and all parts of buildings, except employee areas. Note: exemption for employee areas does not apply in new construction and altered areas.

2) **Program Access** (Section 504 Requirement)

Requires an evaluation of buildings from an additional perspective: whether each of the programs and activities held in them are accessible to persons with disabilities. This is largely dependent on building structure — for instance, classes, clubs, and community meetings held in a school with no accessible entrance are not “program accessible.” However, unlike ADA Title III, Section 504 allows more flexibility with regard to how you make those programs accessible. Under Section 504, you do not have to remove every barrier from every building if you can make the program accessible in another manner, such as relocating it to an alternate accessible location upon request. Keep in mind, though, that since schools must comply with both ADA Title III and Section 504, and ADA Title III requires building changes as a first priority, alternate accessible locations allowed under Section 504 may only be used where building changes are not currently readily achievable.

**Notes:**
- The alternate accessible location must be comparably convenient to what non-disabled people participating in the same program receive.
  - Example: can’t require a student with a disability who wants to take AP math to go to a campus several miles away when non-disabled students can take that class without leaving their neighborhood; or you must provide convenient accessible transportation
- Procedures for effecting relocation upon request must be effective — e.g.,
  - worked out in advance
  - staff trained to implement properly
  - persons with disabilities informed as to whether advance notice is necessary
- The alternate accessible location cannot require the segregation of the person with a disability from other participants.

## Communications & IT

**Communications:**

- Must provide equipment and assistance to facilitate effective communication with people with communicated-related disabilities — those who are blind or visually impaired, those who are deaf or hard of hearing, and those with speech impairments. For example:
  - Sign language interpreters
  - A text telephone, for telephonic conversations with people with hearing or speech impairments
  - “Alternate formats” of written materials, such as Braille, large print, audio recordings, or electronic versions of documents.
- It is generally unacceptable to require a person with these disabilities to bring their own communication aids — such as a family member to sign or to read for them — or to require them to pay for the measures you are required to provide.
- You do not have to provide these measures to the extent they would pose an undue burden

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**Appendix I ADA Guidelines and Services**

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to your organization, which means a significant difficulty or expense; but you must still
provide aids that would not result in an undue burden, to the extent available.

IT
All equipment, software, and hardware you purchase or otherwise acquire must be accessible.
This means, for example:
• computer labs must be in wheelchair accessible locations, and computer stations must meet
specifications for knee space, so that a wheelchair user can sit at them
• school websites must be designed so that they can be read by screen-readers, which speak
text to blind and visually impaired persons; this generally requires text labels for all graphic
images, among other things
• schools must offer voice recognition software for people with limited manual dexterity,
who need to use computers without a mouse or keyboard.

INFORMATION & ASSURANCES REQUIRED FROM CHARTER & CONTRACT
SCHOOL ORGANIZATIONS

All schools will be subject to review by the Director of ADA Policy on all of the below requirements. The Office of New Schools will be notified immediately of any school that the ADA Policy Director determines to be out of compliance with these requirements, and such non-compliance will factor into that school's compliance status with the Office of New Schools.

<table>
<thead>
<tr>
<th>Employment Requirements</th>
<th>Schools in Independent Sites</th>
<th>Schools in CPS Sites</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Compliance with all Federal, State, and local laws concerning rights of employees with disabilities is the responsibility of the employer. Thus charter or contract organizations, or their management companies, ensure compliance for their employees.</td>
<td>Same as independent sites</td>
</tr>
</tbody>
</table>

| Building Requirements | • Charter/Contract Organization must ensure the school will be fully compliant with the applicable accessibility requirements of the ADA, Section 504, the Illinois Environmental Barriers Act, and the Chicago Building Code before it opens for students. |
|                       | • CPS is developing a central database and website where accessibility and other ADA-related information can be easily found. Charter/contract organizations must submit requested information and keep information updated. |
|                       | • Charter/Contract organizations must train staff and notify the public about ADA rights, accessibility, and procedures. |
| Assurances Required:  | • CPS will ensure that buildings are structurally modified, where necessary, to facilitate “program access.” This means that CPS will ensure that there are no inaccessible unique-use spaces in buildings, so that all programs within buildings can be held in an appropriate accessible space. |
|                       | • Charter/contract organizations are required to ensure all non-structural aspects of “program access,” such as: |
|                       | o Advance arrangements for proper relocation of any programs planned for inaccessible spaces |
|                       | o Training of staff to ensure efficacious relocation |
|                       | o Public notification of the right to relocation and the procedures for requesting it |
|                       | • Partner organization is also required to ensure compliance with “readily achievable barrier removal” and all requirements under ADA Title III |
|                       | • CPS is developing a central database and website where accessibility and other ADA-related information can be easily found. Charter/contract organizations must submit requested information and keep information updated. |
|                       | • Charter/Contract organizations must train staff and notify the public about ADA rights, accessibility, and procedures. |
| Assurances:           | • Detailed plan of non-structural
Other resources:

Government clearinghouses for info on the legal requirements of the ADA, Section 504, and Section 508

CPS Assistance Available:

- Training, expert advice
- Assistance with building surveys, recommendations, consultation, facilitation of accessibility plan review
- Assistance with arrangements for communications equipment and aids
- Questions, more information:

  Bebe Novich  
  Director of ADA Policy  
  Chicago Public Schools  
  125 S. Clark St., 17th Floor  
  Chicago, IL 60603  
  773-553-2158  
  benovich@cps.k12.il.us

<table>
<thead>
<tr>
<th>All Other Requirements</th>
<th>Compliance with all other ADA, Section 504, State, and local disability rights provisions are the responsibility of the charter/contract organization to ensure.</th>
<th>Same as independent sites</th>
</tr>
</thead>
</table>

- ADA building, program, and other information in application for renewal of charter/contract school.
- Program access changes and building changes for readily achievable barrier removal, subject to CPS approval
- CPS consultation and assistance during all phases of design and renovation process
- Pre-plan review of any renovation plans with Mayor’s Office for People with Disabilities, facilitated by CPS
- Regular follow-up with CPS regarding all renovation plans and program changes
- ADA building, program, and other information in application for renewal of charter/contract school

All Other Requirements