



## IOWA DEPARTMENT OF NATURAL RESOURCES DISABILITY NONDISCRIMINATION PLAN

### I. INTRODUCTION

The Iowa Department of Natural Resources (“DNR”) is committed to providing individuals with disabilities the opportunity for full participation in its programs, services, and activities through its compliance with Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act (ADA) of 1990, as amended by the ADA Amendments Act of 2008.<sup>1</sup> To this end, DNR developed this Disability Nondiscrimination Plan (Plan).

DNR recognizes that individuals with disabilities may need accommodations or modifications<sup>2</sup> to have equal opportunities to participate in or benefit from DNR’s programs, services and activities. It is DNR’s policy that no otherwise qualified individual with a disability will be denied access to or participation in any program, service, or activity offered by DNR. DNR will administer programs, services, and activities in the most integrated setting appropriate to the needs of qualified individuals with disabilities.

DNR will, upon request provide at no cost to affected individuals appropriate auxiliary aids and services including, for example, qualified interpreters to individuals who are deaf or hard of hearing, and to other individuals as necessary to ensure effective communication or an equal opportunity to participate fully in the programs, services, and activities provided by DNR in a timely manner and in such a way as to protect the privacy and independence of the individual.

Individuals with disabilities have a right to request and receive reasonable accommodations appropriate to their needs in order to fully participate in or benefit from DNR’s programs, services, and activities in the most integrated setting appropriate. DNR and any of its agents will not coerce, intimidate, retaliate against, or discriminate against any individual for exercising a right under the ADA or Section 504, or for assisting or supporting another to exercise a right under the ADA or Section 504.

This Plan applies to all DNR agents and contractors.

#### FREE LANGUAGE ASSISTANCE - ASISTENCIA LINGÜÍSTICA GRATUITA

If you speak a non-English language, we offer you language assistance services free of charge. Call (515) 725-8200.

Si habla un idioma que no sea el inglés, los servicios de asistencia lingüística están disponibles de forma gratuita. Llame al (515) 725-8200.

### II. DEFINITIONS

- A. “Disability” means, with respect to an individual:
  1. a physical or mental impairment that substantially limits one or more of the person's major life activities;
  2. a history of such an impairment; or
  3. being regarded as having such an impairment.
- B. “Qualified Individual with a Disability” is someone who (with or without accommodations) meets the essential eligibility requirements for participating in DNR’s programs, services, and activities.
- C. “Accommodation” means adjustments including reasonable modifications to rules, policies, or practices; environmental adjustments such as the removal of architectural, communication, or transportation barriers; or auxiliary aids and services. Examples of accommodations include, but are not limited to: scribe, interpreter, environment free of distractions, material in Braille, tapes, and computer-assisted instruction.

<sup>1</sup> DNR also prohibits discrimination in employment, including on the basis of disability, and has promulgated a separate employment nondiscrimination policy.

<sup>2</sup> Section 504 of the Rehabilitation Act refers to reasonable accommodations. Title II of the ADA refers to reasonable modifications. For purposes of this Plan, “accommodation” refers to both.

### III. NONDISCRIMINATION COORDINATOR

The Nondiscrimination Coordinator, designated pursuant to 40 C.F.R. § 7.85(g), will coordinate DNR's efforts to comply with Section 504 and ADA, including ensuring the following as applicable:

- A. DNR will adopt and make readily available in suitable formats (e.g., enlarged, Braille, audio-taped):
  - 1. a procedure that allows an individual to disclose a disabling condition and request accommodations believed needed to obtain equal access to and enable participation in DNR programs, services, and activities;
  - 2. a procedure for maintaining personal information in a manner that protects the privacy and independence of the individual; and
  - 3. a procedure for providing accommodations.
- B. DNR will maintain data on the nature and extent of the services provided to individuals with disabilities and develop data collection requirements as part of the operational guidelines for implementing this policy.
- C. DNR will provide reasonable accommodations to allow individuals with disabilities to participate in or benefit from DNR and its programs, services, and activities in the most integrated setting appropriate.
- D. DNR will utilize the grievance procedures set forth in its nondiscrimination program and policy for providing prompt and equitable resolution of complaints alleging any action that would violate Title II of the ADA or Section 504. These procedures should be applicable to any anticipated complaint, including an appeal of a denied accommodation request.
- E. DNR will provide services that are required to comply with ADA and Section 504 free of charge.
- F. DNR will provide periodic in-service training for faculty and staff to develop their awareness and understanding of the needs of individuals with disabilities and legal compliance issues.

### IV. FACILITY ACCESSIBILITY

DNR will consider, via self-assessment, the extent to which any DNR facilities are "public facilities" or will be used by the public. DNR, when operating its programs, services, and activities out of those facilities, will operate consistent with 40 C.F.R. § 7.65 so that, when each program, service, or activity is viewed in its entirety, it is readily accessible to and usable by individuals with disabilities.

- A. Structural changes in existing facilities are not required when other methods provide program accessibility. Such methods include but are not limited to:
  - 1. Redesigning equipment or the facility after case review.
  - 2. Providing appropriate signage directing people to accessible features.
  - 3. Reassigning staff, or services to accessible sites.
  - 4. Providing virtual access, where appropriate.
- B. Each facility or part of a facility constructed by, on behalf of, or for the use of DNR must be designed and constructed in such a manner that the facility is readily accessible to and usable by persons with disabilities. Alterations to existing facilities shall, to the maximum extent feasible, be designed and constructed to be readily accessible to and usable by individuals with disabilities.
- C. Contractual or lease agreements for the use of non-DNR facilities should reflect efforts to secure accessibility. Any program, service, or activity in that facility must be accessible. If a program, service, or activity is not wholly operated by DNR, DNR will attempt to assure that these programs, services, or activities, as a whole, provide an equal opportunity for the participation of individuals with disabilities.
- D. Evacuation procedures for facilities will be developed by DNR for individuals with disabilities.

### V. ACCOMMODATIONS

- A. No participant with a disability in a DNR program, service or activity will be denied the benefits of, be excluded from participation in, or be otherwise discriminated against in the provision of services available to all individuals in general.
- B. Each individual is responsible for making timely requests regarding accommodations to meet their particular needs in order to enable DNR to provide an appropriate response to the accommodation request. Requests may

be directed to DNR staff responsible for a program, service, or activity, or to the Nondiscrimination Coordinator directly.

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- C. Accommodations are not required that fundamentally alter the nature of the program, service, or activity; that require waiver of essential program or licensure requirements; that violate applicable accreditation requirements; or that pose an undue fiscal or administrative burden on DNR.
- D. In determining appropriate accommodations, DNR shall consider the wishes of the individual, and in certain appropriate circumstances, for example, the documentation provided and institutional expertise in working with individuals with disabilities.
- E. DNR will not require an individual with a disability to accept an accommodation, aid, service, opportunity, or benefit as a condition of participation where such accommodations do not impact the safety of the individual with a disability or any other persons. However, DNR reserves the right to make determinations as to the safety of any and all participants in a program, service, or activity and may require individuals with disabilities to accept certain accommodations or modifications where personal safety is implicated.