



Disability Access Policy Office of Policy and Planning		Policy Number: OPP-04-Disability Access Policy
		Effective Date: 11/1/2024
Supersedes (if applicable):		Review Frequency: As Needed
Drafted By:	Name Rachael Maitland	Signature 
Approved By:	Name Jennifer Tribble	Signature 
Point of Contact:	Name Rachael Maitland, Nondiscrimination Coordinator	Email Tdec.titlevi@tn.gov
Summary of Policy (2-3 Sentences): This policy describes TDEC’s commitment to providing persons with disabilities equal opportunity to participate in our programs, services, and activities.		
Number(s) and Name(s) of Referenced Files (forms, templates, etc.):		

REVISION NUMBER:	REVISION DATE:	SUMMARY OF CHANGES:	REVISED BY:
0	10/31/2024	As Adopted	Rachael Maitland

Disability Access Policy

The Tennessee Department of Environment and Conservation (TDEC) is committed to providing persons with disabilities equal opportunity to participate in or benefit from its programs, services, and activities through 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 2008.¹

TDEC recognizes that persons with disabilities may need reasonable modifications to have equal opportunities to participate in or benefit from TDEC's programs, services, and activities. It is the policy of TDEC that no otherwise qualified individual with a disability will be denied access to or participation in any program, service, or activity offered by TDEC. TDEC will administer programs, services, and activities in the most integrated setting appropriate to the needs of Qualified Persons with Disabilities.²

TDEC and any of its agents will not coerce, intimidate, retaliate against, or discriminate against any individual for exercising a right under Section 504 or the ADA, or for assisting or supporting another to exercise a right under Section 504 or the ADA.

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"** or **"Qualified Individual with Disabilities"** is someone who, with or without accommodations 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 participating in TDEC'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 the provision of auxiliary aids and services.

Nondiscrimination Coordinator:

¹ TDEC also prohibits discrimination in employment, including on the basis of disability. For the State of Tennessee's workplace discrimination and harassment policy, see TN Department of Human Resources (DOHR) Policy 12-008.

² See 40 C.F.R. § 7.55.

TDEC's Nondiscrimination Coordinator will coordinate TDEC's efforts to comply with Section 504 and ADA. The coordinator will ensure that TDEC:

- A. Adopts and makes readily available in suitable formats:
 1. A procedure that allows an individual to request reasonable modifications or auxiliary aids or services needed to obtain equal access to and enable participation in TDEC 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 modifications and auxiliary aids or services.
- B. Maintains data on the nature and extent of the services provided to persons with disabilities and develops data collection requirements as part of the operational guidelines for implementing this policy.
- C. Administers its programs, services, and activities in the most integrated setting appropriate to the needs of Qualified Individuals with Disabilities.
- D. Follows 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 Section 504 or ADA. These procedures should be applicable to any anticipated complaint, including an appeal of a denied request for reasonable modifications or auxiliary aids or services.
- E. Ensures that auxiliary aids or services that are required to comply with Section 504 are provided free of charge.
- F. Provides periodic training for staff to develop their awareness and understanding of the needs of persons with disabilities and legal compliance issues.

Facility Accessibility:

Consistent with TDEC's self-assessment, TDEC will consider the extent to which any TDEC facilities are "public facilities" or will be used by the public. TDEC will operate its programs and activities out of those facilities consistent with 40 C.F.R. § 7.65 and 7.70 so that, when each program or activity is viewed in its entirety, it is readily accessible to and usable by persons with disabilities.

- A. Existing Facilities:
 1. Structural changes in existing facilities are not required when other methods provide program accessibility. Such methods include:
 - i. Redesigning equipment or the facility after case review.
 - ii. Providing appropriate signage directing people to accessible features.
 - iii. Reassigning staff or services to accessible sites.

2. Evacuation procedures will be developed by TDEC for Qualified Individuals with a Disability participating in a TDEC program, service, or activity.
- B. New Construction and Alterations: New facilities shall be designed and constructed to be readily accessible to and usable by handicapped persons. Alterations to existing facilities shall, to the maximum extent feasible, be designed and constructed to be readily accessible to and usable by persons with disabilities.
 - C. Off Campus: Contractual or lease agreements for the use of non-TDEC facilities should ensure that any program, service, or activity of TDEC in that facility is accessible. If a program, service, or activity is not wholly operated by TDEC, TDEC will attempt to assure that these programs, services, or activities, as a whole, provide an equal opportunity for the participation of persons with disabilities.

Virtual programs or activities will also be accessible to Qualified Individuals with Disabilities in the same manner as provisions for in-person programs or activities (including, but not limited to, for example, by having qualified interpreters on virtual hearings for individuals who are deaf or hard of hearing, as necessary).

Reasonable Modifications and Auxiliary Aids and Services:

No Qualified Individual with a Disability participating in a TDEC 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.

TDEC will provide, at no cost, auxiliary aids and services where necessary to afford people with disabilities an equal opportunity to participate in and benefit from the programs, services, and activities provided by TDEC. These services may include qualified interpreters to individuals who are deaf or hard of hearing and must be provided in a timely manner and in such a way as to protect the privacy and independence of the individual. Persons with disabilities have a right to request reasonable modifications to allow them to participate in or benefit from TDEC's services and activities.

Each individual is responsible for making requests regarding reasonable modifications or auxiliary aids or services to meet their particular needs to enable TDEC to provide an appropriate response to the request. Requests may be directed to TDEC staff responsible for a program, service, or activity, or to TDEC's Nondiscrimination Coordinator.

Nondiscrimination Coordinator
Tennessee Department of Environment and Conservation
Davy Crockett Tower, 5th Floor
500 James Robertson Parkway
Nashville, TN 37243
TDEC.TitleVI@tn.gov



All auxiliary aids and services used by persons with disabilities to provide access to TDEC programs, services, and activities need not be on hand or present at all times.

TDEC does not need to provide a reasonable modification or auxiliary or service that would fundamentally alter the nature of the program, service, or activity. For example, TDEC would not waive an essential program or licensure requirement or violate accreditation requirements. Also, TDEC will not act in such a manner that would create an undue financial or administrative burden on TDEC.

In determining reasonable modifications or appropriate auxiliary aids or services, TDEC considers the wishes of the individual. TDEC will not require an individual with a disability to accept a modification, aid, service, opportunity, or benefit under any circumstances.