

## Americans with Disabilities Act: Policy, Grievance Procedure, File Maintenance and Posting

It is the policy of the Virginia Department for Aging and Rehabilitative Services (DARS) to provide access to its programs and services for persons with disabilities in accordance with Title II of the Americans with Disabilities Act (ADA) of 1990 as amended and the Rehabilitation Act of 1973 (Section 504).

Most requirements of Title II are based on Section 504 of the Rehabilitation Act of 1973, which prohibits discrimination on the basis of handicap in federally assisted programs and activities. Section 504 also applies to programs and activities conducted by Federal Executive agencies. The ADA similarly extends Section 504's nondiscrimination requirement to all activities of state and local governments, not only those that receive federal financial assistance.

Section 504 was implemented in 1977 for federally assisted programs in regulations issued by the Department of Health, Education, and Welfare. Later, other federal agencies issued their own regulations for the programs and activities that they funded. Public entities should be familiar with those regulations from their experience in applying for federal grant programs. As mandated by the ADA, the requirements for public entities under Title II are consistent with and, in many areas, identical to the requirements of the Section 504 regulations.

The ADA, however, also mandates that the Title II regulations be consistent with the concepts of the ADA. Therefore, the Title II regulations include language that is adapted from other parts of the ADA but not specifically found in Section 504 regulations.

Oversight of compliance activities is the responsibility of the ADA Coordinator and all inquiries concerning DARS' efforts to make its programs and services accessible to persons with disabilities should be directed to:

Name: Benjamin S. Blumenthal, Ed.S.  
Program Specialist/ADA Coordinator  
Address: Virginia Department for Aging and Rehabilitative Services  
8004 Franklin Farms Drive  
Henrico, Virginia 23229-5019  
Phone: Voice: 804-839-5249  
Toll Free: 800-552-5019 (Voice)  
Fax: 804-662-7683  
TTY: 800-464-9950  
TTY: Toll Free 800-464-9950  
E-mail: [Ben.Blumenthal@dars.virginia.gov](mailto:Ben.Blumenthal@dars.virginia.gov)

Complaints directed at Woodrow Wilson Rehabilitation Center should be sent to:

Name: Richard L. Sizemore, Director  
Address: Woodrow Wilson Rehabilitation Center  
P.O. Box 1500  
Fishersville, VA 22939-1500

Phone: Voice: (540) 332-7162  
Toll Free: 1-800-345-9972 (Voice)  
TTY: 540-332-7239  
Fax: 540-332-7132  
E-Mail: [Rick.Sizemore@wwrc.virginia.gov](mailto:Rick.Sizemore@wwrc.virginia.gov)

DARS has established the following grievance procedure to be used by persons with disabilities to allege violations of the ADA by DARS. Individuals are not required to use this procedure before filing a complaint with a federal or state agency, or filing a lawsuit.

The complaint should be in writing, if possible, and contain the following information: name, address, phone number or TTY of complainant; and the location, date, and description of the issue. A complaint may be filed using the *ADA Grievance Form*. Alternative means of filing a complaint, such as personal interviews or a tape recording of the complaint, will be made available for persons with disabilities upon request.

The complaint should be submitted by the complainant or his/her designee as soon as possible but no later than 90 calendar days after the alleged violation. The complaint should be submitted to the ADA Coordinator.

Within 15 calendar days after receipt of the complaint, the ADA Coordinator will discuss the complaint and possible resolutions with the complainant. Within 15 calendar days after the discussion, the ADA Coordinator will respond in writing, and where appropriate, in a format accessible to the complainant. The response will include a description of the complaint, a finding of facts, and a description of how and when the complaint will be resolved. If the response resolves the complaint, the complainant will sign a statement to that effect on the letter.

If the response by the ADA Coordinator has not satisfactorily resolved the issue, the complainant and/or his/her designee may appeal the decision of the ADA Coordinator within 15 calendar days after receipt of the response to the DARS Commissioner.

Name: James A. Rothrock  
Commissioner  
Address: Department for Aging and Rehabilitative Services  
8004 Franklin Farms Drive  
Henrico, VA 23229-5019  
Phone: 804-662-7010 (Voice)  
Toll-Free: 800-552-5019 (Voice)  
TTY: 804-662-9040  
TTY Toll Free: 800-464-9950  
Fax: 804-662-7644  
Email address: [Jim.Rothrock@dars.virginia.gov](mailto:Jim.Rothrock@dars.virginia.gov)

The appeal should be submitted to the Commissioner by the complainant or his/her designee and should contain the following information:

- Name, address, phone number or TTY of complainant

- A detailed statement of the reasons for the appeal

Alternative means of filing an appeal, such as personal interviews or a tape recording of the complaint, will be made available for persons with disabilities upon request.

Within 15 calendar days after receipt of the appeal, the Commissioner or his/her designee will discuss the complaint and possible resolutions with the complainant. Within 15 calendar days after the discussion, the Commissioner or his/her designee will respond in writing and, where appropriate, in a format accessible to the complainant, with a final proposed resolution of the complaint. If the response resolves the complaint, the complainant will sign a statement to that effect on the letter.

All written complaints and appeals received by DARS and responses to the complaint will be kept by DARS for three years.

This Grievance Procedure will be posted on the DARS' website. Upon request, it will be made available in alternative formats by contacting the ADA Coordinator.