

Parameters and Guidelines Drafted By:
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CLAIMANT'S PROPOSED PARAMETERS AND GUIDELINES

Statutes 2001, Chapter 708
Statutes 2002, Chapter 1102
Government Code Section 11135, subdivision (b), and (d) (2)

AMERICANS WITH DISABILITIES ACT

CSM 02-TC-46

(Beginning Fiscal Year 2002-03)

I. SUMMARY OF THE MANDATE

Per Statement of Decision

II. ELIGIBLE CLAIMANTS

Community college districts only.

III. PERIOD OF REIMBURSEMENT

Per Commission boilerplate language.

Reimbursement begins July 1, 2001. These parameters and guidelines are effective beginning Fiscal Year 2002-03.

IV. REIMBURSABLE ACTIVITIES

The preamble per Commission boilerplate language.

A. Americans with Disabilities Act Access

1. Meet the protections contained in Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. § 12132)¹ and its implementing regulations (28 C.F.R. §

¹

SEC. 202. DISCRIMINATION. 42 USC 12132.

Adopted July 26, 1990

Subject to the provisions of this title, no qualified individual with a disability shall, by

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35 et seq.)² in employment within community college districts. Activities required by state law in excess of federal law are not reimbursable. ~~where state law does not provide stronger protections and prohibitions.~~ (Government Code Section 11135, subdivision (b) (Statutes 2001, Chapter 708, beginning July 1, 2001)

B. Electronic and Information Technology Access

2. Comply with the accessibility requirements of section 508 of the Rehabilitation Act (29 U.S.C. § 794d)³, and its implementing regulations (36 C.F.R. § 1194 et

reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity.

² **28 C.F.R. § 1194**

35.140 Employment discrimination prohibited. Last revision: July 26, 1991

- (a) No qualified individual with a disability shall, on the basis of disability, be subjected to discrimination in employment under any service, program, or activity conducted by a public entity.
- (b) (1) For purposes of this part, the requirements of title I of the Act, as established by the regulations of the Equal Employment Opportunity Commission in 29 CFR part 1630, apply to employment in any service, program, or activity conducted by a public entity if that public entity is also subject to the jurisdiction of title I.
- (2) For the purposes of this part, the requirements of section 504 of the Rehabilitation Act of 1973, as established by the regulations of the Department of Justice in 28 CFR part 41, as those requirements pertain to employment, apply to employment in any service, program, or activity conducted by a public entity if that public entity is not also subject to the jurisdiction of title I.

³ **Section 508 of the Rehabilitation Act (29 U.S.C. § 794d)**

Section 794d. Electronic and information technology As of August 21, 2002

- (a) Requirements for Federal departments and agencies

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seq.)⁴ in developing, procuring, maintaining, or using electronic or information technology. (Government Code Section 11135, subdivision (d) (2) (Statutes 2002, Chapter 1102, *beginning January 1, 2003*)

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- (1) Accessibility
 - (A) Development, procurement, maintenance, or use of electronic and information technology

When developing, procuring, maintaining, or using electronic and information technology, each Federal department or agency, including the United States Postal Service, shall ensure, unless an undue burden would be imposed on the department or agency, that the electronic and information technology allows, regardless of the type of medium of the technology,

- (i) individuals with disabilities who are Federal employees to have access to and use of information and data that is comparable to the access to and use of the information and data by Federal employees who are not individuals with disabilities; and
- (ii) individuals with disabilities who are members of the public seeking information or services from a Federal department or agency to have access to and use of information and data that is comparable to the access to and use of the information and data by such members of the public who are not individuals with disabilities.

⁴ **36 C.F.R. § 1194**

Section 1194.1 Purpose.

As of December 21, 2000

The purpose of this part is to implement section 508 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794d). Section 508 requires that when Federal agencies develop, procure, maintain, or use electronic and information technology, Federal employees with disabilities have access to and use of information and data that is comparable to the access and use by Federal employees who are not individuals with disabilities, unless an undue burden would be imposed on the agency. Section 508 also requires that individuals with disabilities, who are members of the public seeking information or services from a Federal agency, have access to and use of information and data that is comparable to that provided to the public who are not individuals with disabilities, unless an undue burden would be imposed on the agency.

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V. CLAIM PREPARATION AND SUBMISSION

The preamble per Commission boilerplate language.

A. Direct cost Reporting

Per Commission boilerplate (e.g., the Mandate Reimbursement Process 2 parameters and guidelines adopted May 26, 2011)

B. Indirect Cost Reporting

Community colleges have the option of using:

1. A federally approved rate, utilizing the cost accounting principles from the OMB Circular A-21.
2. The rate calculated using the Controller's Form FAM 29-C.
3. A 7% indirect cost rate.

VI. RECORD RETENTION

Per Commission boilerplate language.

VII. OFFSETTING REVENUES AND REIMBURSEMENTS

Per Commission boilerplate language. The Statement of Decision does not identify any specific offsetting state or federal funds.

VIII. STATE CONTROLLER'S CLAIMING INSTRUCTIONS

Per Commission boilerplate language.

IX. REMEDIES BEFORE THE COMMISSION

Per Commission boilerplate language.

X. LEGAL AND FACTUAL BASIS FOR THE PARAMETERS AND GUIDELINES

Per Commission boilerplate language.