**Section 525.10 Non-Discrimination Compliance Requirements**

a) The Department of Human Services (DHS) shall not enter into any contract, agreement or grant with subrecipients who are not in compliance with Section 504 of the Rehabilitation Act, as amended, (29 U.S.C.A. 794), Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefiting from Federal Financial Assistance (34 CFR 104), the Illinois Human Rights Act [775 ILCS 5], the Illinois Accessibility Code (71 Ill. Adm. Code 400), the Environmental Barriers Act [410 ILCS 25] and Article I, Section 19 of the Illinois Constitution. These statutes and rules require subrecipients to be accessible (attainable by elimination of architectural, transportation and communication barriers facing persons with disabilities) in terms of employment practices, programs and physical structure.

b) "Subrecipient" is defined as any entity with which DHS enters into service contracts, agreements or grants, which serves more than one individual at a time.

c) Prior to a contract, agreement or grant being signed or renewed, each new and current subrecipient shall submit a statement of compliance with the requirements stated in subsection (a).

d) Subrecipients are subject to a compliance review whenever a complaint is received by a client or DHS staff or prior to recommendation to the Secretary of DHS for entering into a contract, agreement or grant. The complaint shall be made in writing to the local DHS office, who will send a copy to the DHS regional office and the Administrator of Field Operations. DHS regional staff shall use the statutes and rules contained in subsection (a) as standards to determine if the subrecipient is in compliance. If found in compliance, regional staff shall notify the subrecipient in writing with a copy to the Administrator of Field Operations. If found not to be in compliance, the subrecipient may appeal per 89 Ill. Adm. Code 510.

e) If the subrecipient is not in compliance, the following actions shall occur:

1) the subrecipient shall be placed on notice by regional staff in writing that the following must occur:

A) DHS regional staff must receive a letter of assurance from the subrecipient within 60 calendar days from the date that the subrecipient was notified that they were out of compliance. The letter of assurance shall be approved by the subrecipient's Board of Directors, Chief Executive Officer or President, acknowledging the compliance deficiencies. Included with this letter shall be a plan of action, approved by the Board of Directors, Chief Executive Officer or President to correct the deficiencies. Time frames for each of the activities shall be included.

B) Within 10 calendar days the regional staff shall review the letter and plan, make recommendations regarding adoption, modification or rejection based on the requirements of subsection (a), and forward the recommendations to the Administrator of Field Operations. The Administrator of Field Operations shall then receive approval of the recommendations from the Deputy Director.

C) The Associate Director – Office of Rehabilitation Services of DHS shall make the final decision regarding the continued referrals to the program and possible termination of the contract, agreement or grant. Continued referrals are contingent upon the subrecipient's plan of action, per subsection (e)(1)(A), meeting the standards in subsection (a) and the subrecipient's meeting the time frames specified in the plan. Referrals shall continue as long as the plan meets the requirements in subsection (a) and the time frames are being met. Written notification will be forwarded to the subrecipient within 30 calendar days of receipt of the letter and proposed plan by the regional office. For subrecipients whose plan does not meet the requirements in subsection (a) or for those subrecipients who do not meet the time frames specified in their plan of action, the contracts, agreements, or grants shall be terminated per subsection (e)(4). The Associate Director - Office of Rehabilitation Services decision may be appealed through the court system.

2) DHS shall provide temporary services up to the completion of the client's program. Temporary services include such things as interpreters, readers and attendants.

3) The Administrator of Field Operations or designee shall monitor progress made in the compliance plan. That individual shall be required to submit a report to the Associate Director – Office of Rehabilitation Services upon completion of the plan time frames. This report shall indicate whether or not the subrecipient was successful in removing the deficiencies identified initially.

4) If DHS does not receive a letter of assurance per subsection (e)(1)(A) from the subrecipient in the designated time frame, or if the plan is not followed, the existing contract, agreement or grant shall be terminated.