

# Section 504:

## *The State's Record In Complying With Civil Rights Legislation For Handicapped Persons*

by Alison Gray and Ran Coble

"No otherwise qualified handicapped individual in the United States . . . shall solely by reason of his handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance . . ."

—Section 504 of the Rehabilitation Act of 1973

**T**hese few lines, enacted into law by Congress in 1973, represent a milestone in the civil rights campaign for handicapped persons. Like similar Washington-based efforts on behalf of blacks and women, Section 504 required states to carry out a federal policy of nondiscrimination. Like those other efforts, the North Carolina record includes spectacular successes, miserable failures, and a lot of conscientious soul-searching in between. In an evaluation of North Carolina's record of compliance with Section 504 exactly a decade after its passage, three significant findings emerged:

- Governor James B. Hunt Jr. established a state-level group to make recommendations for implementing Section 504. In 1979, this Section 504 Steering Committee made 31 recommendations. As of this writing, 22 of the 31 have been completely or partially implemented.

- Federal regulations implementing Section 504 required that every state or local governmental program receiving federal funds identify existing barriers to handicapped persons and develop plans for removing them. In North Carolina, 13 departments in the state's executive branch are subject to those requirements, but only 4 (including the university and the community college system) have complied with the regulations.

- North Carolina is 1 of only 10 states in the country that does not have a *state* civil rights act with mandatory compliance provisions to protect handicapped persons against discrimination.

This movement toward civil rights for handicapped persons is a direct descendant of the earlier efforts to combat discrimination against blacks and women. Like other movements, though, it has its own unique motivations and character, its own justification. A witness in the Congressional hearings on Section 504 put it like this: "Because a man is blind or deaf or without legs, he is no less a citizen . . . his rights of citizenship are not revoked or diminished because he is disabled."

---

*Alison Gray, a third-year law student at the University of North Carolina at Chapel Hill, was an intern at the N.C. Center the past two summers. Ran Coble, director of the Center, served on the Governor's 504 Steering Committee during 1978-81. He was the principal draftsman for the N.C. Equal Educational Opportunity Act and was the co-author of the Department of Human Resources Self-Evaluation Plan and Transition Plan required by Section 504.*

## The History of Section 504

On December 9, 1971, Congressman Charles A. Vanik (D-Ohio) introduced a bill to outlaw discrimination against handicapped persons. The bill would have amended Title VI of the Civil Rights Act of 1964, the major civil rights legislation for minorities, with language which ultimately became Section 504. In January 1972, Senators Hubert Humphrey (D-Minnesota) and Charles Percy (R-Illinois) introduced a parallel bill into the Senate. Humphrey declared:

I introduce a bill to ensure equal opportunities for the handicapped by prohibiting needless discrimination in programs receiving federal financial assistance. The time has come when we can no longer tolerate the invisibility of the handicapped of America. These are people who can and must be helped to help themselves.

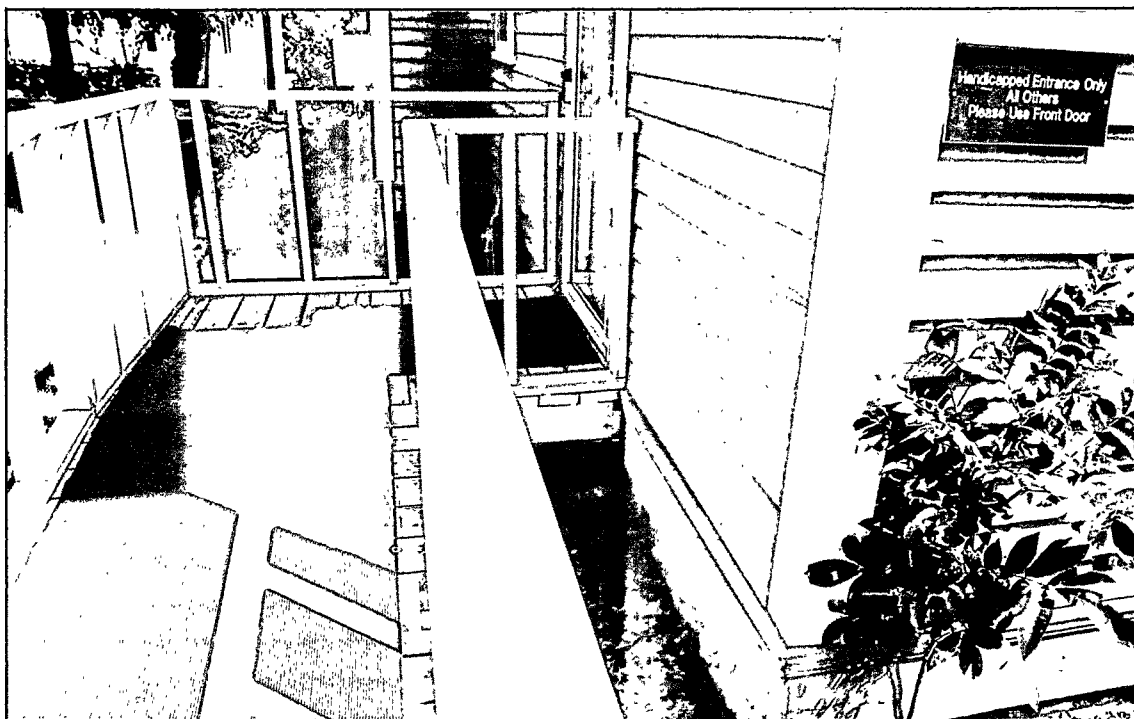
Many of the problems handicapped persons faced stemmed from the same source as earlier civil rights concerns — discrimination. Handicapped persons were not employed because of prejudices against blindness or hearing impairments. Mentally handicapped persons could not get an education because they were given “separate but equal” institutions or “special ed” classes — “out of sight, out of mind.” Mobility-impaired persons could not use public transit systems because buses had no lifts and few vans

were accessible. Due to architectural barriers, public buildings, polling places, and restrooms were as forbidding to handicapped persons as “Whites Only” signs had been to blacks.

Rather than amending the 1964 Civil Rights Act, Congress chose to enact the civil rights provision as Section 504 of the Rehabilitation Act. Because of the funding levels included for rehabilitation agencies, President Richard M. Nixon twice vetoed the act. He characterized the act as a Congressional spending spree “which would dip into the pockets of millions of men and women ... and cruelly raise hopes of the handicapped in a way that we would never responsibly hope to fulfill.”<sup>1</sup> After Congress and President Nixon reached a compromise on the funding levels, Congress finally passed the Rehabilitation Act of 1973.<sup>2</sup>

While the Rehabilitation Act of 1973 did generate controversy, Section 504 was not a high-profile part of that controversy. But putting legislation on the books is only the first step in the process of changes wrought by government. As with legislation for blacks and women, new struggles followed — in the executive branch, which had the responsibility to draft regulations putting flesh on the skeletal law, and in the courts, which had the responsibility to interpret the law.

In the Rehabilitation Amendments of 1974, Congress clarified its intention that the executive branch must promulgate regulations implementing Section 504. The 1974 amendments also expanded the definition of handicapped persons,



Michael Matros

thus broadening the scope of the class of persons protected by 504. Despite these additional steps by Congress, no final regulations were issued until after the handicapped community (through a group called the Action League for Physically Handicapped Adults) took the matter to court.

On July 16, 1976, the U. S. District Court for the District of Columbia ordered the U.S. Department of Health, Education, and Welfare (HEW) to promulgate 504 regulations without delay. In April 1977, advocacy organizations for handicapped persons orchestrated nationwide demonstrations to protest the delay in signing regulations, including sit-ins in HEW offices in San Francisco and Washington. On May 4, 1977, President Jimmy Carter's new Secretary of HEW, Joseph A. Califano Jr., issued regulations requiring "Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefiting from Federal Financial Assistance."<sup>3</sup>

This short history illustrates three themes that undergird this article: 1) where discrimination exists, legislation is needed to get executive branch agencies and the courts to address the problem; 2) a change in administrations (e.g. from Nixon to Ford to Carter to Reagan) can greatly affect how high on its agenda government places the problems of handicapped persons; and 3) handicapped persons will not be heard from the sidelines of the political arena but must in Humphrey's words "be helped to help themselves."

### 504 Comes to North Carolina

When the regulations went into effect in June 1977, Gov. Hunt had only been in office six months. At that time, there was little significant state legislation on the books for handicapped persons other than a 1973 policy statement regarding the rights of handicapped persons<sup>4</sup> and the N.C. Equal Educational Opportunity Act.<sup>5</sup> The latter law was a significant step taken by the state to guarantee a free appropriate education to all children with special needs. It preceded the federal Education for All Handicapped Children Act<sup>6</sup> and thus put North Carolina in the forefront of the nation's efforts to educate handicapped children. The "Creech Bill,"<sup>7</sup> passed by the 1977 General Assembly, expanded the scope of the 1974 legislation. It added procedural safeguards regarding identification and placement of handicapped children, newly required by the federal law enacted in 1975. Through 1977, however, few state-level efforts had attempted to address the needs of handicapped persons in employment, transportation, voting, and other areas where discrimination had been practiced against blacks or women before them.

Once the 504 regulations were issued at the federal level, Hunt's cabinet officials began getting one-page "Assurance of Compliance" statements in the mail from various federal agencies. Though hidden behind a mixture of legalese and "bureaucratse," the statements, in so many words, told each state cabinet-level secretary: "Either assure the federal government of your intent to comply with 504, or you'll lose all the federal money we're giving you." Faced with questions from all sides of the table at his Monday morning cabinet meetings, Hunt directed Department of Administration Secretary Joseph Grimsley to convene an inter-agency task force to discuss Section 504 guidelines and state agencies' responses to them. In October 1978, Hunt directed Grimsley to expand the task force into a formal Steering Committee to "develop policy recommendations for Section 504 implementation." The Steering Committee included *a representative* of each cabinet secretary (these secretaries are appointed by the Governor), each separately elected Council of State official, the president of the University of North Carolina system, and the president of the community college system. The 40-member Steering Committee was chaired by then Assistant Secretary (now Secretary) of Administration Jane S. Patterson. It included several persons among its membership with handicapping conditions—a paraplegic who headed the Governor's Council for Employment of the Handicapped, two blind persons, a diabetic, and a lawyer with cerebral palsy from the Attorney General's Office.

### Voluntary State Action: The Governor Implements Much of the Steering Committee's Report.

By April 1979, just six months after it began meeting, the Steering Committee had hammered out the *Report of the 504 Steering Committee to Governor James B. Hunt Jr.*<sup>8</sup> The report included very simple recommendations, like placing sugar-free drinks for diabetics in vending machines in snack bars in state buildings. At the same time, it asked the Governor to support complex and far-reaching proposals, like a state civil rights act for handicapped persons. The recommendations included draft legislation and covered access of handicapped persons to facilities, employment, housing, transportation, and education. As of this writing, 15 of the 31 recommendations have been implemented, 7 have been partially implemented, and 9 remain unaddressed.

Table 1 provides an overview of 10 of the major recommendations and their current

---

*While Hunt responded positively to some concerns of the 504 Steering Committee, he did not act as aggressively regarding others. Perhaps the most complex issue before the Steering Committee was the employment of handicapped persons within state government.*

---

status. The left-hand column contains a summary of the Steering Committee's recommendation; the right-hand column shows what action, if any, was taken to implement the recommendation.

Governor Hunt's overall response to the *504 Steering Committee Report* has been very positive. He agreed, for example, to support legislation: 1) requiring counties and municipalities to step up efforts to enforce the accessibility section of the state building code; 2) allowing group homes for the disabled in all zoning districts, including residential; and 3) guaranteeing enforcement of nondiscrimination in employment for handicapped persons. Hunt favored the development of in-service training programs for teachers working with handicapped children in the public schools. He also asked the Secretary of Administration to designate a Section 504 coordinator for each department in state government so that efforts toward meeting the 504 regulations could continue.

The Hunt administration also took voluntary action in another form—obtaining money. The Governor accepted all six recommendations from the Steering Committee regarding access to state government facilities. He agreed to push the funds for architectural barrier removal and "reasonable accommodations," e.g., reader aides for the blind, interpreters for the deaf, and special equipment for handicapped employees in state government. During its 1977 and 1978 sessions, the General Assembly granted Hunt's requests for \$170,000 to remove architectural barriers to handicapped persons in the downtown complex in Raleigh. Curb cuts, ramps, and toilet modifications made state buildings more accessible.

Due to efforts by Jane Patterson and Sarah T. Morrow, secretary of the Department of Human Resources (DHR), the 1979 and 1981 budgets proposed by the Governor and the Advisory Budget Commission to the General Assembly contained further requests for funds to

remove architectural barriers. In 1979-80, the Department of Administration spent \$225,000 for barrier removal. During the 1979 to 1981 biennium, DHR spent \$1.5 million for removal of barriers in state facilities for the deaf, blind, mentally ill, and mentally retarded, and in youth services training schools.<sup>9</sup>

While Hunt responded positively to some concerns of the 504 Steering Committee, he did not act as aggressively regarding others. Perhaps the most complex issue before the Steering Committee was the employment of handicapped persons within state government. Several of the employment-related recommendations received some attention from the Hunt administration (see numbers 3 and 4 in Table 1), but others languished (see number 5). The Steering Committee, which continues to meet, is currently concentrating its efforts on possible discrimination against handicapped persons in being hired for state government jobs.

A 1971 statute (NCGS 128-15.3) prohibits discrimination in the hiring policies of the state personnel system based on any physical handicap unless the handicap prevents adequate job performance. A 1973 amendment added: "It shall be the policy of this state to give positive emphasis to the recruitment, evaluation and employment of physically handicapped persons in State government." Despite this legislation, the executive branch has been slow to act. The Office of State Personnel, charged with carrying out the 1973 amendment, waited 10 years before designating a person to be responsible for handicapped and disabled job applicants for state government positions.

"You think the Office of State Personnel has a great deal of clout, but you suddenly realize that they do not know of half of the job vacancies in state government," says Lockhart Follin-Mace, director of the Governor's Advocacy Council for Persons with Disabilities and a member of the 504 Steering Committee. "The state has never even counted the number of disabled persons it already has employed. So

*Continued on page 87*

**Table 1. Major Recommendations of the  
Governor's 504 Steering Committee and Actions Taken**

Recommendation	Current Status
<i>Accessibility to State Buildings and Meetings</i>	
1. To establish a policy of accessibility to state government offices and request funds for barrier removal.	All "major" buildings (measured in terms of foot traffic and citizen traffic) have been made accessible. Between 1979 and 1980, \$225,000 was set aside in the budget for barrier removal projects in the Department of Administration. In the 1979-81 biennium, DHR spent \$1.5 million for removal of barriers in state institutions.
2. To amend the "Open Meetings Law" (NCGS Chap. 143, Article 33C) so that meetings subject to that law shall be required to be held in physically accessible spaces. To amend NCGS 143-138.12 to require the notices for such meetings to state that special communication services, such as interpreters for the deaf and reader services for the blind, will be made available upon request.	According to Denny McGuire, special assistant, Department of Administration, "This has been the policy but the statutes have not been amended. DOA is committed to holding meetings in accessible spaces. Several thousand dollars have been set aside to provide interpreters for administrative proceedings, as required by federal law. Interpreters were provided at hearings on federal block grants, and state government has purchased a portable ramp."
<i>Employment</i>	
3. To establish permanent part-time positions and job-sharing provisions in state government to aid in the employment of handicapped persons who cannot work a full 40-hour week or those who want to share a job with an interpreter or reader, for example.	Passed in 1981, NCGS 126-75 authorizes state government to set up job-sharing positions. One disadvantage, however, is that the employees do not receive complete fringe benefits.
4. To actively recruit handicapped persons for state government positions.	The Office of State Personnel says it is actively seeking to recruit handicapped individuals. Others say it is not. According to Denny McGuire, "One problem in this recruitment effort is that a lot of people do not want to identify themselves as handicapped. Currently, there is no incentive to do so. No study has been conducted to determine the number of handicapped persons actually hired."
5. To study all state personnel job classifications, specifications, and descriptions in order to eliminate any physical or mental limitations that might discriminate against handicapped persons.	The study has not been conducted. The Office of State Personnel says it cannot do such a study due to time constraints. Jobs are reviewed as they become available.
<i>De-Institutionalization</i>	
6. To support the development of group living alternatives for physically and mentally handicapped persons in North Carolina.	Passed in 1981, Senate Bill 439, the "Family Care Home" bill, permits family care homes for handicapped people in all residential and other zoning districts. (NCGS 168-20 to 168-23.)
<i>Teacher Training</i>	
7. To give instructions regarding the rights of handicapped students in teacher education programs. To start in-service training programs regarding rights of handicapped students for teachers already employed in the education system.	Emphasis has been given to in-service training programs.
<i>Housing</i>	
8. That the Governor endorse and support legislation in the General Assembly enacting a comprehensive Fair Housing Act which would include handicapped persons among the protected classes.	The legislature passed Senate Bill 279, the "Fair Housing Act," during the 1983 session. However, handicapped persons were <i>not</i> included among the protected classes.
<i>Civil Rights</i>	
9. To give the Department of Administration authority under the N.C. Administrative Procedure Act to develop rules and regulations establishing a complaint or grievance procedure for handicapped persons who allege discrimination in the provision of services.	DOA has not been given such authority. The Governor's Ombudsman continues to handle such complaints as part of the Office of Citizen Affairs.
10. That the Governor endorse and support legislation enacting a North Carolina Anti-Discrimination or Civil Rights Act which includes coverage of handicapped persons and contains strong enforcement and penalty provisions.	Such a law has not been enacted.

*Continued from page 85*

how do you know if somebody is taking affirmative action or not? The Office of State Personnel does not really have that much enforcement authority. So we are really going to have to push, to go to Gov. Hunt and get the Personnel Commission behind it," says Follin-Mace.

Identification of handicapped persons is part of the problem. "It is difficult to get information on handicapped employees," says Chris Lawton, head of the office of legislation, grants, and administrative procedures in DHR. "Few people have bothered to do surveys, and handicapped persons are unwilling to identify themselves as such. You cannot force people to do this, but in order to have a valid survey, there has to be a self-identification process."

Haggling over how to define a "handicap" has also delayed the gathering of valid statistics—and hence a full-fledged affirmative action campaign. Ed Smith, an EEO officer in the Division of Employment and Training in the Department of Natural Resources and Community Development, makes a distinction between "meaningful" statistics, e.g., counting those who are deaf, blind, on crutches, etc., from "cosmopolitan" statistics, e.g. counting individuals with heart disease and kidney problems. Regardless of data-gathering methods, however, many state officials now agree that the data base is skimpy. "We need to know what state government is doing [in employing handicapped persons]," says Lawton. "The ideal would be to have statistical information to review every five years. We do not have it now."

### **Mandated State Action: Many N.C. Agencies Fail to Comply with 504 Regulations**

In contrast to the Governor's fairly strong efforts to promote the spirit of Section 504 through voluntary actions, such as setting up the 504 Steering Committee and obtaining funding for barrier removal, the N.C. Center for Public Policy Research found that the majority of state agencies have not complied with mandatory requirements set forth in federal regulations implementing Section 504. Of the 13 departments in the executive branch subject to those requirements, only 4 have complied with the regulations. Of the 9 departments which have not complied, 6 are headed by secretaries appointed by the Governor, and 3 are headed by separately elected officials—the Attorney General, the Commissioner of Agriculture, and the Commissioner of Labor.

The first regulations implementing Section 504 became official on May 4, 1977. Since 1977, regulations affecting 14 North Carolina

departments have been put into effect. All but one of these sets of regulations require recipients of federal funding to do two important things—to develop a Self-Evaluation Plan and a Transition Plan.<sup>10</sup> Though the terms "self-evaluation plan" and "transition plan" sound bureaucratic, the rationale for requiring them is really quite simple. How can one know whether discrimination against handicapped persons is being redressed in an agency unless that agency attempts to identify barriers to the handicapped within its programs and then outlines the actions needed to remove those barriers?

The purpose of the self-evaluation plan is to require each recipient of federal funds "to evaluate . . . any policies and practices that do not meet the requirements of [the 504 regulations]." The self-evaluation plan is supposed to describe the programs examined and the problems identified and then provide a description of any modifications made or remedial steps taken.<sup>11</sup> The Department of Human Resources staff, for example, identified several problem areas in its self-evaluation: 1) a question on its state employment application asking if the applicant was handicapped (a "pre-employment inquiry" forbidden by the regulations<sup>12</sup>); 2) lack of accessible parking spaces near public buildings; 3) a grievance policy that covered only *physically* handicapped; and 4) fire extinguishers jutting out from walls that could be a hazard to a blind person.

After DHR "self-evaluated," or identified the barriers, the next step was to remove them. So each of the four barriers mentioned above was removed by DHR—the application form was changed, parking spaces were marked off, the grievance policy was broadened, and some fire extinguishers were moved. That's also where the 504 requirement for a Transition Plan comes in. The Transition Plan requirement applies only to buildings, but the regulations are specific in requiring the recipient of federal funds to:

- identify physical obstacles in existing facilities;
- describe the methods that will be used to make the facilities accessible; and
- specify the schedule for taking the steps necessary to achieve full program accessibility.<sup>13</sup>

State agencies which receive federal funds have three years to make existing facilities accessible to handicapped persons. Agencies are required to make self-evaluation and transition plans available for public inspection and, more importantly, to invite handicapped persons or advocacy groups for the handicapped to participate in developing the plans. DHR, for example, had handicapped persons on its own steering committee and sent copies of draft plans to 32

consumer groups across the state, including the North Carolina Mental Health Association, United Cerebral Palsy, Epilepsy Association, Cystic Fibrosis Foundation, and Parents and Professionals for Handicapped Children.<sup>14</sup>

Table 2 shows which state agencies have complied with the federal regulations. The left-hand column (1) is a list of all 20 North Carolina departments in the executive branch, plus the University of North Carolina system. Of those 21 agencies, 14 are subject to Section 504 regulations. Column (4) shows the federal agency responsible for promulgating the regulations, and column (3) when the regulations were issued. Column (5) shows whether the federal regulation named in column (2) required a self-evaluation and transition plan. Of the 14 departments affected by Section 504 regulations, 13 are currently required to develop a self-evaluation and a transition plan. Because of a recent federal court decision, the N.C. Department of Transportation is not required to develop these plans (see footnote 4 to Table 2).

Only the Departments of Human Resources, Public Instruction, and Community Colleges and the University of North Carolina system have completed these plans as required. The Departments of Administration, Agriculture, Correction, Crime Control and Public Safety, Labor, Cultural Resources, Justice, Natural Resources and Community Development (NRCD), and Commerce (Energy Division) have not complied with the federal regulations. Spokespersons for various departments confirmed these findings:

- "Although we have not developed a self-evaluation or transition plan, our department operates under the philosophy that our services and programs will be accessible to the handicapped population," says Geraldine Pearce, personnel analyst for the Department of Agriculture. "There has been no strong recruitment effort here or, to my knowledge, in all of state government. Recruiting handicapped persons to state jobs is a complicated issue which the 504 Steering Committee is addressing," adds Pearce, a member of that committee.

- "We are well aware of the requirements, are working toward compliance, and have been working with the 504 Steering Committee under the Department of Administration policy to resolve this situation," says Bill Noland, special services manager of the Department of Correction.

- "We have not developed a written plan," says Annie Thompson, paralegal for the Department of Crime Control and Public Safety. "We share the Archdale Building with NRCD. It's a new building and is accessible for the handicapped. We also provide assistance for

handicapped persons, as requested, for meetings."

- "Now that we're aware of the requirements in the regulations, we'll take steps to meet them," says Assistant Secretary of Commerce Clint Abernethy. "I'm glad that you pointed this out."

The Departments of Administration and Natural Resources and Community Development are in the unique situation of having taken many positive steps to remove barriers to handicapped persons but have not written up the required plans. The Secretary of Administration, Jane S. Patterson, has been a leader in making programs and buildings more accessible. That department provides staff assistance for the Governor's Steering Committee and is responsible for implementing the renovations to make the state government building complex more accessible. The Department of Administration also has been creative in hiring handicapped persons. For example, the department recently hired Steve Streater, a paraplegic former UNC-CH football star, to direct the Students Against Drunk Driving (SADD) program.

"The Department has been heavily involved in promoting accommodation and accessibility of individuals with handicapping conditions and will continue to do so," says Patterson. "It has been the nature of enforcement of 504 from the federal level that agencies have not been informed of the applicability of the regulations. The Department welcomes the opportunity to comply with the applicable regulations and will do so as quickly as possible."

Like Secretary Patterson, NRCD Secretary Joseph W. Grimsley also made efforts to implement 504. NRCD amended its grievance policies on August 1, 1982, to broaden the coverage for handicapped persons. The Department also requires that all public hearings be held in buildings accessible to the handicapped. "All outside sites are accessible to the handicapped in areas where we are dealing with the public," says Paul Sebo, Civil Rights Officer for NRCD. He adds that every new site will also be constructed to be accessible. This evidence of compliance with the spirit of Section 504 in both Administration and NRCD could be greatly enhanced if both departments also developed a self-evaluation plan and transition plan with the aid of handicapped citizens and advocacy groups.

On the other side of the compliance fence was the Department of Human Resources (DHR), the leader so far in state government in complying with 504 regulations. The DHR philosophy was that "program accessibility" in its most complete sense is not confined to physical barriers, e.g., lack of ramps and

elevators, but includes communication barriers, e.g., lack of interpreters for deaf clients, and perhaps other less tangible barriers as well. In 1981, DHR developed its transition plan and again went beyond the actual requirements of making only *buildings* accessible by developing a plan to include removal of barriers to handicapped persons in employment, education, programs, and services.

The Department of Public Instruction

(DPI) published its self-evaluation and transition plans in January 1980. "The Department is working closely with local school systems to help them understand the regulations," says Darrell Spencer, associate director of DPI's Division of School Planning. "Every administrative unit completed a survey identifying the most critical problem areas regarding accessibility to the handicapped." DPI has held workshops and individual conferences

**Table 2. The Record of State Agencies in Complying with Major Requirements of 504 Regulations**

(1)	(2)	(3)	(4)	(5)	(6)
N.C. State Department	Applicable Federal Regulations <sup>1</sup>	Date Published in Federal Register	Federal Department/Agency Promulgating Regulations	Self-Evaluation Plan and Transition Plan Required?	Has State Department Implemented these Requirements?
1. Administration					
a. Governor's Council on Persons With Disabilities	45 CFR 84 34 CFR 104	5/4/77 5/9/80	Health & Human Services Education	Yes Yes	No No
b. Youth Involvement Office	49 CFR 27 28 CFR 42	5/31/79 6/3/80	Transportation Justice	Yes Yes	NA <sup>4</sup> No
c. N.C. Commission on Indian Affairs	24 CFR 8 29 CFR 32	5/6/83 10/7/80	Housing & Urban Development Labor	No Yes	NA <sup>3</sup> No
2. Agriculture	7 CFR 15(b)	6/11/82	Agriculture	Yes	No
3. Auditor	NA	—	—	—	—
4a. Commerce	15 CFR 8(b)	4/23/82 <sup>2</sup>	Commerce	Yes	NA <sup>3</sup>
b. Energy Div.	10 CFR 1040	6/13/80	Energy	Yes	No
5. Community Colleges	45 CFR 84 34 CFR 104	5/4/77 5/9/80	Health & Human Services Education	Yes Yes	Yes Yes
6. Correction	28 CFR 42	6/3/80	Justice	Yes	No
7. Crime Control & Public Safety	28 CFR 42	6/3/80	Justice	Yes	No
8. Cultural Resources	45 CFR 1151 45 CFR 1170	4/17/79 11/12/81	Nat'l Endowment for the Arts Nat'l Endowment for the Humanities	Yes Yes	No No
9. Governor	NA	—	—	—	—
10. Human Resources	45 CFR 84	5/4/77	Health & Human Services	Yes	Yes
11. Insurance	NA	—	—	—	—
12. Justice	28 CFR 42	6/3/80	Justice	Yes	No
13. Labor	29 CFR 32	10/7/80	Labor	Yes	No
14. Lt. Governor	NA	—	—	—	—
15a. Natural Resources & Development	43 CFR 17 24 CFR 8	7/7/82 5/6/83	Interior Housing & Urban Development	Yes No	No NA <sup>3</sup>
16. Public Instruction	34 CFR 104	5/9/80	Education	Yes	Yes
17. Revenue	NA	—	—	—	—
18. Secretary of State	NA	—	—	—	—
19. Transportation	49 CFR 27	5/31/79	Transportation	Yes	NA <sup>4</sup>
20. Treasurer	NA	—	—	—	—
21. University of N.C.	45 CFR 84 34 CFR 104	5/4/77 5/9/80	Health & Human Services Education	Yes Yes	Yes Yes

<sup>1</sup>Citation in *Code of Federal Regulations*.

<sup>2</sup>These regulations do not go into effect until the Office of Management and Budget approves them as part of the Paperwork Reduction Act of 1980.

<sup>3</sup>The Department of Housing and Urban Development's latest regulations are interim effective regulations only. Self-evaluation and transition plans may yet be required as part of HUD's final regulations.

<sup>4</sup>On August 11, 1981, the Department of Justice suspended its guidelines for prohibiting discrimination on the basis of handicap in transportation programs and activities receiving federal financial assistance due to the Court of Appeals' for the District of Columbia Circuit opinion in *American Public Transit Association v. Lewis*, 655 F. 2d 1272 (D.C. Cir. 1981). The Department of Transportation's regulations were issued pursuant to the Justice Department's guidelines (46 F.R. 40687).



in the field for school administrators and maintenance personnel to discuss accessibility problems. In addition, the department has made strides in providing employment opportunities for handicapped persons by using advertising channels likely to reach disabled persons, by making testing sites accessible, and by restructuring jobs to allow for part-time positions and job-sharing opportunities.

The Department of Community Colleges published its self-evaluation and transition plan in May 1980. The department has evaluated its personnel policies and facilities. Regional workshops on Section 504 were held for institution representatives, and all colleges and technical institutes have conducted surveys of all their buildings to see if they are accessible to handicapped persons.

Although the Department of Public Instruction and the Department of Community Colleges have done a commendable job in *making local units aware* of the Section 504 requirements, a weakness in both departments' plans is the failure to take responsibility for *monitoring compliance* at the local level. While the Department of Public Instruction's plan does not assume the responsibility for monitoring

compliance at the local level, all programs for exceptional children and vocational education are monitored through program review. Also, renovation and new construction plans are reviewed for approval, and the agency provides consultative help upon request.

Self-evaluation and transition plans have been developed by each of the 16 campuses in the University of North Carolina system. According to Dr. Paul Marion, associate vice-president for student services and special programs in UNC's General Administration Office, "Each of the constituent institutions has made access to academic programs available to handicapped students. A great deal of money has been spent on barrier removal, special equipment, readers, and interpreters. In addition, there is a Section 504 compliance officer on each campus." Marion feels that the university system has done a better job than the higher education systems of most other states due primarily to the unified nature of the system and also because UNC President William Friday "emphasized early that he wanted the university to respond in a positive way."

Although the Department of Human Resources, the Department of Public Instruc-

## ***Judicial Decisions Weaken 504***

In *Southeastern Community College v. Davis*,<sup>1</sup> a case originating in North Carolina, the U.S. Supreme Court held that the language and history of Section 504 do not "impose an affirmative action obligation," e.g., setting up goals and timetables for program modification, "on all recipients of federal funds." The Supreme Court warned, however, that "the line between a lawful refusal to extend affirmative action and illegal discrimination against handicapped persons" is not always clear and that "situations may arise where a refusal to modify an existing program might become unreasonable and discriminatory."

In accord with the *Davis* decision, the District of Columbia Circuit Court held in *American Public Transit Association v. Lewis*<sup>2</sup> that the U.S. Department of Transportation regulations went too far in requiring "every transportation system which receives any federal funds to make each mode of public transportation accessible for the handicapped." The court ruled certain requirements were unlawful, including those which "require extensive modifications of

existing systems and impose extremely heavy financial burdens on local transit authorities." The court noted, however, that "failure to take affirmative action might be discriminatory when programs could be opened to the handicapped without imposing undue financial and administrative burdens upon a state."

Subsequent decisions by lower courts illustrate that Section 504 requires at least "modest, affirmative steps to accommodate handicapped persons."<sup>3</sup> The question of how much accommodation is called for has been left undefined. One court stated, "It is purely economic and administrative . . . . It turns more on considerations of practicality than on matters of entitlement, merit, and restitution. And, while it is bounded, after *Davis*, by a general proscription against massive expenditures, the question is one of the degree of effort necessary rather than whether any effort at all is required."<sup>4</sup>

The Fourth Circuit Court of Appeals (the federal appellate court for the circuit which includes North Carolina) provided another judicial setback for handicapped rights in *Trageser v. Libbie Rehabilitation Center, Inc.*<sup>5</sup> The court held that Section 504's prohibition against employment discrimination by federal financial aid recipients applied only where and to the extent that a *primary purpose* of the financial assistance was to

tion, the Department of Community Colleges, and the University System have good, comprehensive plans, as Table 2 illustrates, North Carolina's departments as a whole have performed poorly in complying with Section 504 regulations. "Section 504 demands both program and facility accessibility and still agencies are not having all their meetings in accessible places or providing interpreters at council and board meetings," says Lockhart Follin-Mace. "After Section 504 was enacted, Gov. Hunt wanted it to be a model for *all* state agencies to follow, not just those receiving federal funds. But we are still doing catch-up."

A skeptic of government might say, "So, what! Even if four state agencies did write up some planning book, what difference does that pile of paper really make?" That skeptic might be invited to ride in a wheelchair down a ramp on the side of the Albemarle Building in downtown Raleigh which serves as headquarters for the Department of Human Resources. In Morganton, electronic beepers placed in strategic locations at the Western Carolina Center for the Mentally Retarded guide blind persons to the various buildings. In Wilson, at the Eastern School for the Deaf, the student population has

provide employment. For example, an institution receiving funds for educating disadvantaged children would not be subject in its employment relations to the non-discrimination provisions of Section 504, whereas 504 might be applicable where the funds received by the institution were for hiring a counselor under a job training program.

The Third Circuit Court of Appeals, however, rejected the somewhat questionable *Trageser* interpretation. In *Le Strange v. Consolidated Rail Corporation*,<sup>6</sup> the court held that "*Trageser* is not consistent with Congress's original and continuing intent that handicapped individuals be empowered to bring suit in Federal District Court for alleged employment discrimination in violation of Section 504, regardless of the designated use of the Federal funds received by the employer in question." The U.S. Supreme Court has granted *certiorari* to hear this case to resolve the conflict among the lower federal courts.

#### FOOTNOTES

<sup>1</sup>442 U.S. 397 (1979).

<sup>2</sup>655 F.2d 1272 (D.C. Cir. 1981).

<sup>3</sup>See *Dopico v. Goldschmidt*, 687 F.2d 644 (2d Cir. 1982) and *New Mexico Association for Retarded Citizens v. State of New Mexico*, 678 F.2d 847 (10th Cir. 1982).

<sup>4</sup>*Dopico*, at 653.

<sup>5</sup>590 F.2d 87 (4th Cir. 1978), cert. denied, 442 U.S. 947 (1979).

<sup>6</sup>687 F.2d 767 (3rd Cir. 1981).

been declining because of state initiatives taken in mainstreaming handicapped children into the regular classroom. But even for those children still in this residential school, there is now a TTY (teletype) telephone communication system in each building. Back in Raleigh at the Governor Morehead School for the Blind, modifications have been made to help multiple-handicapped students there use the swimming pool and wrestling room.

The first step for these improvements was identifying the barriers that existed (self-evaluation) and planning how to correct them (transition). Still in 1983, nine state agencies have not even undertaken that process.

### A Change of Direction at the Federal Level

During the late '70s and early '80s, the legislature and executive branch took many steps on behalf of handicapped persons in North Carolina. Even so, fiscal pressures, political changes, judicial interpretations, and other factors have together caused the support given to the civil rights of handicapped persons to slacken.

The Reagan administration has tried to weaken a variety of regulations and funding for handicapped persons. For example, in August 1982, the administration proposed cutting back on requirements for individualized education plans for handicapped children, but the proposal failed (see article on page 69). The administration's biggest such effort has focused on Section 504.

During the Carter administration, the Department of Justice inherited from HEW (now the Department of Health and Human Services) the responsibility for issuing general guidelines for other departments to follow in designing their Section 504 regulations.<sup>15</sup> "The Reagan administration proposed major changes in those regulations," says James Bennett, branch chief in the Office of Civil Rights of the U.S. Department of Health and Human Services. After public debate, the Reagan administration abandoned that approach.

According to Richard Komer, an attorney in the Civil Rights Division of the U.S. Department of Justice, "There will be no new Section 504 guidelines proposed. This does not mean that President Reagan will not pick and choose among federal provisions, but so far they have not significantly changed anything except for the Transportation Department's regulations" (see article on page 48).

The Regulatory Review Task Force, chaired by Vice-President George Bush, reviewed the Justice Department's coordinating guidelines and concluded that there is no need to

make any changes now. "The general sentiment is that the courts are doing okay on their own. Most of the major modifications in the area of handicapped rights has resulted from judicial interpretations," says Komer (see box on page 90).

### Legislative Inaction at the State Level

The Reagan administration has attempted to cut the muscle of Section 504. Judicial decisions have weakened the regulations (see sidebar). Most state executive branch agencies have not complied with Section 504 requirements. Given these three trends, the North Carolina legislature must not neglect the rights of handicapped persons.

As Table 3 illustrates, the N.C. General Assembly has periodically examined the needs and rights of handicapped persons since 1935, when it passed laws establishing training schools and workshops for the blind.<sup>16</sup> Since the mid-1970s, the legislature has taken more significant steps to improve the quality of life for handicapped persons. For example, the General Assembly enacted such important legislation as the Family Care Homes Bill, which allows the establishment of group homes for the disabled in residential areas,<sup>17</sup> and a law giving deaf persons the right to have interpreters for certain judicial, legislative, and administrative proceedings.<sup>18</sup>

However, in spite of these improvements, North Carolina's law regarding the civil rights of handicapped persons is among the weakest in the nation. North Carolina is 1 of only 10 states which do not have fully enforceable civil rights acts for the handicapped (see Table 4).

These 10 states are grouped under the title, "White Cane Laws or Policy Statutes Only." "White Cane" laws set forth the rights and responsibilities of blind persons, especially regarding their use of white canes, a symbol for the blind, and guide dogs. In many states, these laws have been amended to include deaf persons and other handicapped individuals. "Policy Statutes" are laws which declare that non-discrimination is the official state policy. Other than their limited scope, the major weaknesses of both types of statutes in aiding those whose rights have been denied or violated are the lack of: 1) enforcement mechanisms, such as a detailed complaint procedure and provision for hearings; 2) an investigative authority, such as a human rights commission; 3) legal or administrative safeguards, such as the right to sue an offender in court; and 4) explicit sanctions, remedies, or penalty provisions, such as a monetary fine or jail term. As Table 4 shows, North Carolina has only a White Cane Law and policy statutes. The District of Columbia and 40

states have better provisions than North Carolina.

The second column of Table 4 lists the 21 states and the District of Columbia, which have a "complete" civil rights act. Of these 22, 19 enacted their laws during the 1970s. Only four waited until the 1980s to pass their anti-discrimination statutes, North Dakota's being the latest on July 1, 1983. The law in these states:

- covers both mental and physical handicaps;
- provides a full list of rights or anti-discrimination provisions regarding employment, housing, real estate transactions, credit/financial transactions, public accommodations, and transportation; and
- most importantly, contains a detailed complaint procedure including enforcement mechanisms, penalty provisions, available remedies, the right to a private cause of action, and a named administrative body responsible for overseeing compliance.

The remaining 19 states, listed in column three, have a partial civil rights act. Seventeen have complaint procedures, including enforcement provisions and a named administrative authority, and two provide for a private cause of action. In each case, however, the state's law covers only one area of discrimination (e.g., housing or employment) or it covers only one type of handicap (e.g., just mental or just physical).

**South:** Three of the southern states (Louisiana, Maryland, and West Virginia) have complete civil rights provisions for the handicapped. Kentucky also has a good civil rights act but covers only physically handicapped persons. Georgia, Oklahoma, Tennessee, and Virginia have civil rights provisions in the area of employment discrimination only. Of the 15 southern states, 6 (Alabama, Arkansas, Florida, Mississippi, North Carolina, and South Carolina) have only White Cane laws or policy statements. The South had the largest number of states with inadequate provisions.

**Northeast:** Of the 10 northeastern states, 6 (Connecticut, Maine, New Hampshire, New Jersey, New York, and Pennsylvania) have complete civil rights provisions. The Delaware statute covers only housing discrimination; Rhode Island and Vermont address only employment discrimination.

**North Central:** Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, North Dakota, and Ohio have complete civil rights acts. Only one north central state (South Dakota) has just a White Cane law or policy statement. The Kansas statute covers only employment discrimination for the physically handicapped. Nebraska and Wisconsin protect both mentally and physically

handicapped persons but only against discrimination in employment (Nebraska and Wisconsin) and in housing (Wisconsin).

**West:** Wyoming is the only state in the country with no provision addressing civil rights for handicapped persons. Colorado and Idaho have White Cane laws or policy statutes only. Of the 13 western states, 4 (Montana, New Mexico, Oregon, and Washington) have complete civil

rights acts for handicapped persons. Alaska prohibits employment discrimination because of physical handicap. Arizona protects only persons with mental handicaps. California's statutes cover housing discrimination against the physically handicapped and state employment discrimination against mentally and physically handicapped persons. Nevada and Utah have statutes addressing only employment discrimi-

**Table 3. Overview of Laws for the Handicapped in North Carolina, 1935-1983:**

Year	Citation in N.C. General Statutes	Topic or Title of Law	Key Provisions
1935	Chap. 111	Aid to the Blind Act	Establishes training schools and work-shops for the blind; provides for the investigation and treatment of causes of blindness
1949	20-175.1	White Cane Law	Sets forth rights and privileges of blind persons; establishes penalties for use of white canes by persons who are not blind
1949, 1967, 1971	20.37.1 to 20-37.6A	_____	Establishes a special operator's license, license plates, and parking privileges for handicapped persons
1971, 1973	128-15.3	_____	Prohibits discrimination in hiring policies of state personnel system against qualified handicapped persons
1973	168-1 to 168-10	Rights of Handicapped Persons	Policy statement declaring that handi-capped persons have right of access to and use of public places, public convey-ances, public accommodations, the right to employment, and the right to use hear-ing-ear and seeing-eye dogs
1973	136-44.14	_____	Establishes curb ramp or curb cut specifications for the handicapped
1973	168-2 & 143-138(c)	Handicapped Section of N.C. Building Code	Enabling legislation leading to the establishment of N.C. State Building Code regulations which give handicapped persons access to buildings
1977	143-422.1 to 143-422.3	Equal Employment Practices Act	Policy statement that discrimination in employment due to race, religion, color, national origin, age, sex, or handicapping condition is against public policy
1974, 1977	115C-106 to 115C-145	Equal Educational Opportunity Act and "the Creech Bill"	An act to provide free, appropriate education for all "children with special needs"
1977, 1981	115C-330	_____	Encourages school boards and local education agencies to employ handi-capped persons
1981	168-20 to 168-23	Family Care Homes	Allows family care homes for handi-capped persons in all residential districts
1981	14-32.1	_____	Sets penalties for assaulting a handi-capped person
1981	8B-1 to 8B-8	Interpreters for Deaf Persons	Provides for the appointment of inter-preters for deaf parties in certain judicial, legislative, and administrative proceedings
1983	20-37.6(d)	_____	Increases the fine for illegally parking in designated handicapped parking spaces from \$10 to \$25
1983	Ratified Res. 43 of the 1983 Session Laws, Senate Joint Resolution 585	_____	Recognizes and clarifies state policy of providing adequate community support services for mentally and developmentally disabled persons

nation. Nevada targets the physically handicapped; Utah covers both physically and mentally handicapped persons.

Conclusions and Recommendations

In 1979, the Section 504 Steering Committee in its report to Gov. Hunt stated: "Perhaps

Table 4. Civil Rights Policies for Handicapped Persons in the 50 States, By Region (1983)

Region	"White Cane" Laws or "Policy Statutes" Only	Has Complete Civil Rights Act	Has Partial Civil Rights Act
SOUTH (15 states)	Alabama Arkansas Florida Mississippi North Carolina South Carolina	District of Columbia <sup>7</sup> Louisiana Maryland West Virginia	Georgia <sup>1</sup> Kentucky <sup>11</sup> Oklahoma <sup>1</sup> Tennessee <sup>1</sup> Texas <sup>14</sup> Virginia <sup>1</sup>
NORTHEAST (10 states)		Connecticut <sup>5</sup> Maine New Hampshire New Jersey New York Pennsylvania	Delaware <sup>6</sup> Massachusetts <sup>12</sup> Rhode Island <sup>1</sup> Vermont <sup>1</sup>
NORTH CENTRAL (12 states)	South Dakota	Illinois <sup>8</sup> Indiana <sup>9</sup> Iowa Michigan Minnesota Missouri North Dakota Ohio	Kansas <sup>10</sup> Nebraska <sup>1</sup> Wisconsin <sup>15</sup>
WEST (13 states)	Colorado Idaho (Wyoming) <sup>16</sup>	Montana New Mexico Oregon Washington	Alaska <sup>2</sup> Arizona <sup>3</sup> California <sup>4</sup> Hawaii Nevada <sup>13</sup> Utah <sup>1</sup>
TOTAL (50 states plus D.C.)	10	22	19

<sup>1</sup>These states have civil rights provisions in the area of employment discrimination only.

<sup>2</sup>Alaska's law prohibits discrimination in employment because of a physical handicap.

<sup>3</sup>Arizona's laws provide a private cause of action. They protect only persons with mental handicaps.

<sup>4</sup>California's statutes address discrimination in housing against the physically handicapped and employment discrimination against mentally and physically handicapped persons.

<sup>5</sup>The 1983 Connecticut General Assembly proposed an amendment to the State Constitution which would guarantee equal protection under the law and prohibit discrimination because of physical or mental disability.

<sup>6</sup>Delaware's act covers housing discrimination only.

<sup>7</sup>The District of Columbia has a complete civil rights act addressing the rights of the handicapped.

<sup>8</sup>Illinois' Constitution also proscribes discrimination on the basis of handicap in employment and housing.

<sup>9</sup>Under Indiana's law, an individual may not initiate an action in state court but must proceed through the

Civil Rights Commission. In that sense, the individual has no right to a private cause of action.

<sup>10</sup>Kansas' statute covers only employment discrimination involving the physically handicapped.

<sup>11</sup>Kentucky's law carefully defines what constitutes discrimination but covers only the physically handicapped.

<sup>12</sup>Massachusetts law outlaws discrimination in public accommodations, credit transactions, and housing because of deafness, blindness, or any physical or mental disability.

<sup>13</sup>Nevada's statute addresses only discrimination in employment against the physically handicapped.

<sup>14</sup>Although Texas law provides no one administrative body to handle compliance or enforcement for discrimination against the physically handicapped, it does provide a private cause of action with a conclusive presumption of damages of \$100.

<sup>15</sup>Wisconsin's statute covers only discrimination in housing and employment.

<sup>16</sup>Wyoming has no statutory provisions addressing civil rights of the handicapped.

the most important recommendation this committee makes is for the Governor to endorse and support an Anti-Discrimination or Civil Rights Act for North Carolina in the 1980 General Assembly." The report argued that a N.C. Civil Rights Act was needed for two reasons, because "(1) existing state law does not adequately protect the handicapped and (2) existing federal remedies are both too slow and not accessible to the state's citizens."<sup>19</sup> Evaluating Section 504 on its 10th anniversary has uncovered two more reasons why the legislature needs to act: 3) many executive branch agencies have not complied with 504 regulations; and 4) North Carolina is behind all but nine other states in enacting civil rights legislation for handicapped persons.

"The state has to make a commitment that they want disabled persons to be active participants and have full rights like everybody else," says Lockhart Follin-Mace. So far, the N.C. General Assembly has refused to make such a commitment. In 1981, the legislature failed to pass an "Anti-Discrimination in Employment" bill introduced by Sen. Henry Frye (D-Guilford, now a state Supreme Court Justice). In 1983, the legislature passed a Fair Housing Act <sup>20</sup> but did not specifically include handicapped persons within its coverage.

"The legislaure is blinded by seeing an initial outlay of money," says Ken Franklin, who is mobility-impaired and president of the N.C. Alliance of Disabled and Concerned Citizens. "They cannot see the long-run result of making handicapped persons productive citizens versus being a perpetual drain on the tax structure."

Karen Clark, who is blind and a former member of the 504 Steering Committee, goes a step further. "Handicapped persons should not have to thank legislators for giving them rights which other people have without any legislation," says Clark. "Rights such as easy access to polling places,<sup>21</sup> to housing, and to employment without discrimination should be automatic for *all* people in our society, but they are not. Currently, handicapped persons are not equal to people who have rights without any legislation. Therefore, legislation in these areas is essential."

The second major recommendation arising out of our research is that Gov. Hunt and three other elected officials need to see that the Section 504 regulatory requirements are met. The Governor should direct the secretaries of Administration, Commerce, Correction, Crime Control and Public Safety, Cultural Resources, and Natural Resources and Community Development to develop self-evaluation plans and transition plans immediately. Commissioner of Agriculture James Graham, Commissioner of Labor John Brooks, and Attorney General

Rufus Edmisten should take similar steps toward compliance in their departments.

The Governor, department heads, and the legislature must exercise renewed leadership in accepting and making the public aware that handicapped persons have rights. There must be a change in attitude from viewing handicapped persons as passive recipients to seeing them as self-directed and active participants in society. And government must go halfway. As one state mandates, government must ensure that handicapped persons have the "right to live as complete and normal lives as possible and develop their ability and potential to the fullest extent possible."<sup>22</sup> As long as North Carolina policymakers fail to adopt such a philosophy, the state will fail to utilize fully its most valuable resource—*all* of the people of North Carolina. □

#### FOOTNOTES

<sup>1</sup>This quotation and that of Senator Humphrey above are from a history of 504, as published in a Section 504 Training and Reference Manual, prepared by Pacific Consultants for DHEW, Washington, D.C. (April 1979).

<sup>2</sup>PL 92-112 (1973).

<sup>3</sup>42 F.R. 22676 (May 4, 1977).

<sup>4</sup>NCGS 168-1.

<sup>5</sup>Chapter 1293 of the 1973 Session Laws (1974 Session).

<sup>6</sup>PL 94-142 (1975).

<sup>7</sup>Chapter 927 of the 1977 Session Laws, now codified as NCGS 115C-106 *et. seq.*

<sup>8</sup>*Report of the 504 Steering Committee to Governor James B. Hunt, Jr.—Recommendations for the State of North Carolina to Implement Section 504 of the Vocational Rehabilitation Act of 1973* (April 1979).

<sup>9</sup>For a detailed accounting of the barriers removed with the \$1,487,100 in state 504 funds, see pp. 78-91 of the *Section 504 Transition Plan, N.C. Dept. of Human Resources*, by Ran Coble, *et. al.* (July 10, 1981).

<sup>10</sup>45 CFR 84.6(c) and 84.22(e) for regulations affecting recipients of funds from the U.S. Dept. of Health and Human Services. In order to ensure uniformity among regulations promulgated by different federal agencies, first the former U.S. Dept. of Health, Education and Welfare (Executive Order No. 11914, April 1976) and then the Dept. of Justice (Executive Order No. 12250, November 1980) were given the task by the President of issuing general standards for other federal departments and agencies to follow in promulgating Section 504 regulations. Due to this standardizing process, each of the federal self-evaluation and transition plan requirements are nearly identical, varying only in amount of time allowed for their completion.

<sup>11</sup>45 CFR 84.6(c).

<sup>12</sup>45 CFR 84.14(a).

<sup>13</sup>45 CFR 84.22(e).

<sup>14</sup>*Section 504 Self-Evaluation Plan, N.C. Dept. of Human Resources*, by Ran Coble and Cindy Allen (September 1, 1978), Attachment 11.

<sup>15</sup>See note 10 above.

<sup>16</sup>NCGS Chap. 111.

<sup>17</sup>NCGS 168-20, *et. seq.*

<sup>18</sup>NCGS 8B-1, *et. seq.*

<sup>19</sup>*Report of the 504 Steering Committee*, p.21

<sup>20</sup>Chapter 522 of the 1983 Session Laws, to be codified as NCGS Chapter 41A.

<sup>21</sup>The 1983 General Assembly failed to pass legislation making polling places more accessible to handicapped persons (HB 1065).

<sup>22</sup>Editorial note to Alaska Statute §47.80.010.