

Montour County Children and Youth Services

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Montour County Administration Center

Danville, PA 17821
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Executive Director
Melodie J. Culp

Montour County Commissioners
Hon. Rebecca Dressler, Chair
Hon. Scott E. Lynn, Vice-Chair
Hon. Trevor S. Finn

(Attachment A)

Nondiscrimination Policy

As a recipient of Federal financial assistance, *Montour County Children and Youth* does not exclude, deny benefits to, or otherwise discriminate against any person on the ground of race, color, national origin, disability, age, sex, sexual orientation, gender identity, religion or creed in admission to, participation in, or receipt of the services and benefits under any of its programs and activities, whether carried out by *Montour County Children and Youth* directly or through a contractor or any other entity with which *Montour County Children and Youth* arranges to carry out its programs and activities. *Montour County Children and Youth* will ensure that participants with disabilities are afforded opportunities to serve as legal guardians, foster parents, and adoptive parents that are equal to the opportunities offered to participants without disabilities. *Montour County Children and Youth* will not exclude or otherwise deny equal services, programs, or activities to a participant or other individual because of their relationship or association with a participant with a disability.

As the recipient of Federal financial assistance, *Montour County Children and Youth* is obligated to comply with Federal civil rights laws and is subject to Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 794, and its implementing regulations, 45 C.F.R. Part 84. Section 504 prohibits discrimination on the basis of disability in all operations of any program or activity receiving Federal financial assistance.

As a public entity providing state government services, *Montour County Children and Youth* is obligated to comply with Title II of the Americans with Disabilities Act and its implementing regulation, 28 C.F.R. Part 35. Title II prohibits discrimination on the basis of disability by state and local government agencies, including denying opportunities to benefit from services and failing to reasonably modify policies and procedures.

If you believe that *Montour County Children and Youth* has failed to provide appropriate services or discriminated in another way on the basis of race, color, national origin, age, disability, sex, sexual orientation, gender identity, religion or creed you can file a grievance by contacting:

Montour County Commissioners' Office
Chief Clerk Holly Brandon
435 E Front St., Danville, PA 17821
hbrandon@montourcounty.gov

Montour County Children and Youth does not discriminate on the basis of color, national origin, disability, age, sex, sexual orientation, gender identity, religion, or creed. *Montour*

County Children and Youth has an internal complaint procedure providing for prompt, equitable resolution of complaints alleging discrimination. Laws and regulations protecting participants from discrimination in child welfare programs and activities may be examined by visiting the U.S. Department of Health and Human Services website at <https://www.hhs.gov/civil-rights/for-individuals/special-topics/adoption/index.html>.

Purpose

The purpose of the Nondiscrimination Policy is to describe how *Montour County Children and Youth* follows the requirements of Section 504 of the Rehabilitation Act of 1973 (Section 504) and Title II of the Americans with Disabilities Act of 1990 (ADA). *Montour County Children and Youth* shall not discriminate against qualified participants with disabilities on the basis of disability in its services, programs, or activities.

A “disability” is defined as a physical or mental impairment that substantially limits a major life activity, such as caring for oneself, performing manual tasks, breathing, standing, lifting, bending, speaking, walking, reading, thinking, learning, concentrating, seeing, hearing, eating, sleeping, or working. Major life activities also include the operation of major bodily functions, including but not limited to, functions of the immune system, normal cell growth, digestive, bowel, or bladder, neurological, brain, and respiratory, circulatory, endocrine, and reproductive functions.

Additionally, drug addiction and substance use disorders, including opioid use disorder (OUD), are disabilities under the ADA when they substantially limit a major life activity. These laws protect qualified individuals with drug addiction or substance use disorder that substantially limits a major life activity when: 1) individuals have successfully completed a supervised drug rehabilitation program or have otherwise been successfully rehabilitated and are not currently engaged in the illegal use of drugs; 2) individuals are participating in a supervised drug rehabilitation program and are currently not engaged in the illegal use of drugs; or 3) individuals are erroneously regarded as engaging in such use, but are not engaging in such use.

Policy

Montour County Children and Youth will not categorically limit or exclude qualified participants with disabilities from participating in and benefiting from child welfare programs, activities, and services, including those services aimed at helping children achieve permanency with relatives, kin and resource families. *Montour County Children and Youth* will not exclude any participant with a disability from the full and equal enjoyment of its services, programs, or activities unless the participant poses a direct threat to the health or safety of themselves or others, that cannot be mitigated by reasonable modifications of policies, practices, or procedures, or by the provision of auxiliary aids or services.

Under the ADA, a participant's use of prescribed medication, such as those used to treat OUD, is not an "illegal use of drugs" if the participant uses the medication under the supervision of a licensed health care professional, including primary care or other non-specialty providers. This includes medications for opioid use disorder (MOUD) or medication-assisted treatment (MAT). MOUD is the use of one of three medications (methadone, buprenorphine, or naltrexone) approved by the Food and Drug Administration (FDA) for the treatment of OUD; MAT refers to the treatment of OUD and other certain substance use disorders by combining counseling and behavioral therapies with the use of FDA-approved medications. Participation in a MAT program is not considered illegal use of drugs.

Montour County Children and Youth will not discourage individuals from applying or participating in a *Montour County Children and Youth* program based on unfounded discriminatory assumptions that MAT or MOUD limits their ability to participate and enjoy the benefits of the program. *Montour County Children and Youth* will not impose eligibility requirements that screen out participants with disabilities based on substance abuse disorder or the use of prescribed medication to treat substance abuse disorder.

Montour County Children and Youth will not categorically limit or exclude the support of reasonable modifications for qualified kinship/foster care program applicants or participants with disabilities unless *Montour County Children and Youth* can demonstrate that making the modifications would fundamentally alter the nature of the service, program, or activity.

Montour County Children and Youth will not place a surcharge on a particularly qualified participant with a disability or any group of qualified participants with disabilities to cover the cost of measures, such as the provision of auxiliary aids and services or program accessibility, that are necessary to provide the nondiscriminatory treatment required by Title II of the ADA and Section 504. Request for reasonable modifications must be addressed in a timely manner. Modifications provided to a participant with disabilities, must be provided in a timely manner to ensure the participant has an equal opportunity to participate in *Montour County Children and Youth* programs.

Montour County Children and Youth will not coerce, intimidate, threaten, interfere, or engage in other discriminatory or retaliatory conduct against anyone because they have taken an action or participated in an action to secure rights protected by Section 504 and the ADA, including making a request for reasonable modifications or auxiliary aids and services or filing a disability discrimination complaint with *Montour County Children and Youth* or OCR.

To address any violations of this Reasonable Modification Policy, consult:
Montour County Commissioners' Office
Chief Clerk Holly Brandon
435 E Front St., Danville, PA 17821
hbrandon@montourcounty.gov

Note: Some issues such as the decisions of the Court, cannot be addressed through the Nondiscrimination Policy. Concerns about or dissatisfactions with the decisions of the Court must be addressed through the appropriate legal channels.

Procedure

Participants with disabilities have the right, under Section 504 and Title II, to file a complaint and/or a grievance alleging discrimination on the basis of disability to *Montour County Children and Youth*. Any person who believes someone has been subjected to discrimination on the basis of race, color, national origin, disability, age, sex, sexual orientation, gender identity, religion, or creed may file a complaint under this procedure. It is against the law for

Montour County Children and Youth (including employees, contracted providers or other *Montour County Children and Youth* representatives) to retaliate in any way against anyone who files a complaint or cooperates in the investigation of a complaint.

Participants do not need to reference Section 504 or Title II or use terms of art such as “reasonable modification” in order to make a request. In case of questions, or to request an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a *Montour County Children and Youth* program, service, or activity, contact:

Montour County Commissioners’ Office
Chief Clerk Holly Brandon
435 E Front St., Danville, PA 17821
hbrandon@montourcounty.gov

Complaints due to alleged discriminatory actions must be submitted to the *Montour County Children and Youth* Section 504/ADA Coordinator within sixty (60) calendar days of the date the person filing the complaint becomes aware of the alleged discriminatory action.

A complaint must be in writing, containing the name and address of the person filing it. The complaint must state the problem or action alleged to be discriminatory and the remedy or relief sought. If the complainant requires assistance completing the complaint, they may request assistance from *Montour County Children and Youth*.

The complainant may also contact the Section 504/ADA Coordinator, listed below, for more information. The complainant may make a complaint in person, by telephone, by fax, by mail, or by email. To file the complaint by mail or email, the complaint shall be sent to:

Montour County Commissioners’ Office
Chief Clerk Holly Brandon
435 E Front St., Danville, PA 17821
hbrandon@montourcounty.gov

The Section 504/ADA Coordinator shall issue a written decision on the complaint, based on the preponderance of the evidence, no later than thirty (30) calendar days after its filing, including a notice to the complainant of their right to pursue further administrative or legal remedies. If the Section 504/ADA Coordinator documents extenuating circumstances requiring additional time to issue a decision, the Section 504/ADA Coordinator will notify the complainant and advise them of their right to pursue further administrative or legal parties at that time while the decision is pending.

The person filing the complaint may appeal the decision of the Section 504/ADA Coordinator by writing to Montour County Board of Commissioners within fifteen (15) calendar days of receiving the Section 504/ADA Coordinator's decision. *Montour County Board of Commissions*, shall issue a written decision in response to the appeal no later than thirty (30) calendar days after its filing.

The person filing the complaint retains the right to file a grievance with the U.S. Department of Health and Human Services, Office for Civil Rights (OCR), regardless of the decision made by *Montour County Children and Youth* .

The availability and use of this procedure does not prevent a person from pursuing other legal or administrative remedies, including filing a complaint of discrimination on the basis of race, color, national origin, disability, age, sex, sexual orientation, gender identity, religion or creed in court or with the US Department of Health and Human Services, OCR. A person can file a complaint of discrimination electronically through the OCR Complaint portal at:

<https://ocrportal.hhs.gov/ocr/smartscreen/main.jsf> or by mail or by phone at:

U.S. Department of Health & Human Services, Office for Civil Rights
200 Independence Ave., S.W. Room 509F HHH Bldg.
Washington, D.C. 20201
800-368-1019 (voice) 800-537-7697 (TDD)
OCRComplaint@hhs.gov

For complaints to the OCR, complaint forms are available at:
<https://www.hhs.gov/ocr/complaints/index.html>. Complaints shall be filed within one hundred and eighty (180) calendar days of the date of the alleged discrimination.