Subpart G—Designated Agencies

35.190 Designated agencies.
35.191–35.999 [Reserved]

APPENDIX A TO PART 35—PREamble TO REGU-
LATION ON NONDISCRIMINATION ON THE
BASIS OF DISABILITY IN STATE AND LOCAL
GOVERNMENT SERVICES (PUBLISHED JULY
26, 1991)


SOURCE: Order No. 1512–91, 56 FR 35716, July
26, 1991, unless otherwise noted.

Subpart A—General

§ 35.101 Purpose.

The purpose of this part is to effect-
tuate subtitle A of title II of the Amer-
icans with Disabilities Act of 1990 (42
U.S.C. 12131), which prohibits discrimi-
nation on the basis of disability by
public entities.

§ 35.102 Application.

(a) Except as provided in paragraph
(b) of this section, this part applies to
all services, programs, and activities
provided or made available by public
entities.

(b) To the extent that public trans-
portation services, programs, and ac-
tivities of public entities are covered
by subtitle B of title II of the ADA (42
U.S.C. 12141), they are not subject to
the requirements of this part.

§ 35.103 Relationship to other laws.

(a) Rule of interpretation. Except as
otherwise provided in this part, this
part shall not be construed to apply a
lesser standard than the standards ap-
plied under title V of the Rehabilita-
tion Act of 1973 (29 U.S.C. 791) or the
regulations issued by Federal agencies
pursuant to that title.

(b) Other laws. This part does not in-
validate or limit the remedies, rights,
and procedures of any other Federal
laws, or State or local laws (including
State common law) that provide great-
er or equal protection for the rights of
individuals with disabilities or individu-
als associated with them.

28 CFR Ch. I (7–1–10 Edition)

§ 35.104 Definitions.

For purposes of this part, the term—
Act means the Americans with Dis-
225 and 611).

Assistant Attorney General means the
Assistant Attorney General, Civil
Rights Division, United States Depart-
ment of Justice.

Auxiliary aids and services includes—
(1) Qualified interpreters, notetakers,
transcription services, written mate-
rials, telephone handset amplifiers, as-
sistive listening devices, assistive lis-
tening systems, telephones compatible
with hearing aids, closed caption de-
coders, open and closed captioning,
telecommunications devices for deaf
persons (TDD’s), videotext displays, or
other effective methods of making au-
rally delivered materials available to
individuals with hearing impairments;
(2) Qualified readers, taped texts,
audio recordings, Brailled materials,
large print materials, or other effective
methods of making visually delivered
materials available to individuals with
visual impairments;
(3) Acquisition or modification of
equipment or devices; and
(4) Other similar services and ac-
tions.

Complete complaint means a written
statement that contains the complain-
ant’s name and address and describes
the public entity’s alleged discrimina-
tory action in sufficient detail to in-
form the agency of the nature and date
of the alleged violation of this part. It
shall be signed by the complainant or
by someone authorized to do so on his
or her behalf. Complaints filed on be-
half of classes or third parties shall de-
scribe or identify (by name, if possible)
the alleged victims of discrimination.

Current illegal use of drugs means ille-
gal use of drugs that occurred recently
enough to justify a reasonable belief
that a person’s drug use is current or
that continuing use is a real and ongo-
ing problem.

Designated agency means the Federal
agency designated under subpart G of
this part to oversee compliance activi-
ties under this part for particular com-
ponents of State and local govern-
ments.