



Department of Human Resources
311 West Saratoga Street
Baltimore MD 21201

FIA INFORMATION MEMO

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**TO: DIRECTORS, LOCAL DEPARTMENTS OF SOCIAL SERVICES
DEPUTY/ASSISTANT DIRECTORS FOR FAMILY INVESTMENT
FAMILY INVESTMENT SUPERVISORS/ELIGIBILITY STAFF**

FROM: CHARLES E. HENRY, EXECUTIVE DIRECTOR, FIA

**RE: ENSURING MEANINGFUL ACCESS TO TANF FUNDED
PROGRAMS BY PEOPLE WITH DISABILITIES**

PROGRAM AFFECTED: ALL PROGRAMS

ORIGINATING OFFICE: OFFICE OF POLICY, RESEARCH AND SYSTEMS

SUMMARY:

The Department of Health & Human Services (DHHS) has issued a memorandum concerning the Federal civil rights laws prohibiting discrimination against individuals with disabilities. This Information Memo serves as a reminder and provides policy guidance on how to recognize potential civil rights issues. For your convenience, we have also attached the list of "promising practices" suggested by the DHHS.

REMINDER:

Title II of the Americans With Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973 outline three key requirements that protect the rights of customers with disabilities. They are:

- 1. Ensure equal access to all DHR programs.** The local department must offer appropriate services that allow people with disabilities to receive:

Individualized treatment - Evaluate each customer on a case-by-case basis. Assess potential based on facts and objective evidence instead of generalizations and stereotypes. Do not assume people with disabilities can participate in the most rudimentary work activities.

Effective and meaningful opportunity - Guarantee that customers with disabilities receive the same opportunity to fully benefit from every program aspect as customers without disabilities. Provide “**meaningful access**” to all programs by offering reasonable accessibility, accommodations, auxiliary aids, communications and services.

(Example: Provide TCA customers who have hearing, speech, or visual impairments with aids such as interpreters, note-takers, materials in alternative formats and TTY/TTD telephone access.)

- 2. Modify practices and procedures.** Adjust, to the extent possible, the application process, training and education programs, work activities and other factors to ensure equal opportunities. The modifications should not result in program alterations or undue financial and administrative burdens.
- 3. Provide non-discriminatory program administration.** Ensure that service providers are experienced and skilled in working with individuals who have disabilities. Assess the treatment that customers receive from contractors and vendors. Protect them from experiencing disability-based discrimination resulting from unlawful actions by contractors and vendors.

PROMISING PRACTICES:

We have attached a Sample Diagnostic Review Checklist and Assessment of Accommodation Needs. You may want to use this resource as a guide to see if your office is properly assessing and accommodating the needs of customers with disabilities.

INQUIRIES:

Please direct questions to Juanita Brouwer, Office of Policy, Research and Systems at (410) 767-7683.

Attachments

cc: FIA Management Staff
Constituent Services
CTF
Help Desk

EXAMPLES OF PROMISING PRACTICES TO ENSURE EQUAL ACCESS

Sample Diagnostic Review Checklist

Application Stage:

Notice/ Information Issues

1. During the application process, are customers asked whether they need help with the process due to disability?
2. When the customer is asked if help is necessary, is this inquiry accompanied by examples? (e.g., “We can help if you have a disability that affects your ability to understand or respond to questions in the application. We can assist by reading the questions to you; recording your answers, etc. Do you need this or another kind of help to fill out the application?”)
3. When communicating with customers about assistance programs, does the agency routinely include further instructions for people with disabilities who need extra help in responding? Are the instructions easy to understand for persons with developmental or mental impairments? Do the instructions include (1) TTY numbers for those who are deaf/hearing impaired and (2) the locations of accessible sites for people with mobility impairments?
4. Do you prominently display posters, signs or brochures explaining how people with disabilities can obtain further assistance?

Initial Screening for Disability and Accommodation Needs

1. Do initial intake procedures include screening applicants for potential disability and accommodation needs? Do intake procedures allow staff to determine if the person needs a more comprehensive assessment?
2. Do local offices provide training to help case managers recognize potential disabilities? When screening indicates the customer has a disability that may impact on his or her ability to complete successfully or benefit from a program assignment, do case managers offer a more comprehensive evaluation or assessment?
3. Are case managers informing individuals that they can disclose a disability and/or the need for a reasonable accommodation?
4. Are we informing customers that disclosure of a disability is voluntary?
5. Are screening instruments validated for the purpose for which they are used?

Assessment of Accommodation Needs for People with Disabilities

1. Does the agency provide for an assessment after initial intake where appropriate? Does the assessment determine:
 - Whether the individual has one or more disabilities;
 - Nature of the disability;
 - Extent to which an applicant is capable of employment or participation in employment-related activities;
 - Under what conditions the individual is capable of employment;
 - Implications of the disability on immediately securing employment;
 - Appropriateness of a particular work assignment;
 - Need for reasonable accommodations, auxiliary aids, policy modifications, additional training and education, services and communication assistance.
 - Applicability of work participation rules, time limits and sanctions.
2. Is it clear that participating in an assessment is voluntary?
3. Are qualified personnel conducting these comprehensive assessments?
4. Where necessary to ensure equal opportunity, does the agency involve medical, psychological, vocational, and rehabilitation experts who are trained in making assessments of adults with disabilities related to employment?

Job Training/Education Stage

1. When training or educational program opportunities are available, are these opportunities accessible for customers with disabilities? Specifically, are they accessible for people with mobility impairments, communication impairments, developmental impairments and mental or emotional impairments?
2. Are case managers trained to secure placement for beneficiaries with disabilities in job training and education programs operated by other agencies or entities?
3. Has the local office informed outside contractors who provide customer services about their obligations, under the ADA and Section 504, to modify policies and procedures that ensure equal benefit opportunities?
4. What method are we using for monitoring the ability of an individual with disabilities to function in training programs? Do you have a tracking method in place that checks on their progress and ensures that accommodation needs are being met?

Work Program Stage

1. Did you determine if modifications or accommodations to job opportunities are necessary due to disability?
2. Is the agency working with employers to ensure that employers are aware of their ADA obligations regarding reasonable accommodations for individuals with disabilities?
3. Is the agency working with employers to ensure that customers with disabilities are not steered to dead-end jobs?
4. How are we monitoring the ability of individuals with disabilities to handle the job? Is there follow up to determine if individual accommodation needs are being met?
5. Are we addressing any potential obstacles to sustaining employment for people with disabilities?