



**CONSORTIUM FOR CITIZENS
WITH DISABILITIES**

October 9, 2007

Re: S. 1730, a bill to facilitate appropriate services and accommodations for families that include persons with disabilities

Dear Senator _____

The undersigned organizations are writing to request your support for the Pathways to Independence Act. This legislation will allow states to more effectively serve families that include a person with a disability in the Temporary Assistance to Needy Families (TANF) program. We believe this legislation, if enacted, will significantly improve the ability of states to help families successfully move from welfare toward work while also ensuring that the needs of family members with disabilities are met. The undersigned organizations enthusiastically support this legislation.

The Consortium for Citizens with Disabilities (CCD) is a coalition of national consumer, advocacy, provider and professional organizations headquartered in Washington, DC. We work together to advocate for national policies that ensure the self determination, independence, empowerment, integration, and inclusion of children and adults with disabilities in all aspects of society. The CCD TANF Task Force seeks to ensure that families that include persons with disabilities are afforded equal opportunities and appropriate accommodations in programs funded by the TANF block grant.

Congress explicitly stated in the Personal Responsibility and Work Opportunity Reconciliation Act that, in implementing TANF, states are to comply with the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitative Services Act of 1973. To achieve this, states must provide appropriate services to these families, adopt non-discriminatory methods of administering the

program, and modify, as necessary, policies, procedures, and requirements to ensure that recipients with disabilities can participate in the program fully.

The Office of Civil Rights in the Department of Health and Human Services issued guidance that explains what states must do to make sure their TANF programs are compliant with the disability laws. The guidance explains, for example, that states may need to provide recipients with disabilities a longer period of time to complete education and training programs than is typically permitted if a recipient's disability slows their progress. An individual with a disability may need modifications to the number of hours he or she is required to participate if his or her health condition precludes full-time participation. And a recipient with a serious mental health problem may be unable to engage in a full course of standard education, training, or work experience activities until his or her health condition is stabilized and, instead, may need mental health treatment as a precursor to these activities.

Unfortunately, the changes made to the TANF program by the Deficit Reduction Act of 2005 and the subsequent regulations issued by HHS place states in an untenable position. Because the federal work requirements are so inflexible, a state that makes these kinds of modifications for recipients with disabilities faces a greater risk of *failing* to meet federal "work participation" requirements — a measure of the share of TANF recipients states must have in a specific set of work activities for a prescribed number of hours each week. States that fail to meet these requirements face significant financial penalties.

The National Governor's Association expressed its concerns about the TANF requirements and people with disabilities in a recent letter to the chair and ranking members of the Senate Finance Committee and the House Ways and Means Committee. In that letter, the governors stated:

With an increased number of TANF participants facing severe barriers to work, key rehabilitative and supportive services (such as substance abuse, behavioral and mental health and domestic violence treatment) play an integral role in moving participants to work and retaining employment. ...Governors urge Congress to restore states' ability to count rehabilitation and supportive services as a category other than job search/job readiness.

...While the interim final rule recognizes that states are legally bound by the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973, it fails to distinguish between individuals with disabilities and other TANF clients with respect to required weekly work participation. This failure places states in the unreasonable position of either facing penalties or violating the ADA by requiring individuals to work longer hours than they are medically permitted by law.

S. 1730 would address the tension between TANF requirements and the requirements of the ADA and Section 504 of the Rehabilitation Act. Under this bill, states will receive credit when they engage recipients with disabilities in appropriate work activities. This provides a powerful incentive — rather than penalties — to states to invest in the supports necessary to help individuals with disabilities succeed in the labor market and achieve a higher degree of self-reliance. The flexibility provided in this bill can improve the overall performance of the TANF program by helping families at greatest risk move toward employment.

We urge you to consider supporting families that include a person with a disability by agreeing to co-sponsor S. 1730. We are happy to provide any additional information you require and look forward to working with you and your staffs to ensure that this provision becomes law.

Sincerely,

American Association of People With Disabilities
American Counseling Association
American Psychological Association
Association of Assistive Technology Act Programs
Association of University Centers on Disabilities
Bazelon Center for Mental Health Law
Council for Learning Disabilities
Disability Rights Education & Defense Fund
Epilepsy Foundation
Learning Disabilities Association of America
Mental Health America
National Alliance to End Homelessness
National Association of State Head Injury Administrators
National Association of State Mental Health Program Directors
National Association of Councils on Developmental Disabilities
National Council for Community Behavioral Healthcare
National Disability Rights Network
National Down Syndrome Congress
National Down Syndrome Society
National Respite Coalition
The Arc of the United States
United Cerebral Palsy
United Spinal Association
World Institute on Disability