



ACF TANF Civil Rights Webinar Training

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Agenda

- Introductions
- Overview of TANF/Civil Rights Provisions
 - Section 504 of the Rehabilitation Act of 1973
 - Title VI of the Civil Rights Act of 1964
 - Age Discrimination Act of 1975
 - Title II of the Americans with Disabilities Act of 1990
- Questions and Answers



OCR's Enforcement Responsibilities

- conducting outreach to educate consumers;
- providing technical assistance to social service and health care providers;
- conducting compliance reviews of providers;
- investigating complaints filed by individuals and advocates;
- securing corrective action and voluntary compliance agreements to resolve complaints; and
- initiating enforcement proceedings to terminate Federal financial assistance.



TANF and Civil Rights

As recipients of Federal financial assistance, TANF agencies must comply with **Section 504 of the Rehabilitation Act of 1973, Title VI of the Civil Rights Act of 1964, and the Age Discrimination Act of 1975.**

Because TANF agencies are typically part of State or local governments, they must comply with **Title II of the Americans with Disabilities Act of 1990.**





Title VI of the Civil Rights Act of 1964

- “Title VI” prohibits discrimination on the basis of race, color, and national origin by recipients of Federal financial assistance.
- A TANF agency may violate Title VI if it:
 - (1) excludes a person or people from program participation based on race, color, or national origin;
 - (2) denies benefits or services to a person or people based on race, color, or national origin; or
 - (3) provides different or lesser benefits to a person or people based on race, color, or national origin.



Title VI and LEP

- TANF agencies must take reasonable steps to provide meaningful access for people with limited English proficiency (LEP).
- Apply the four factor test:
 - (1) the number or proportion of people with LEP eligible to be served or likely to be affected by the program or service;
 - (2) the frequency of contact that the program or service has with people with LEP;
 - (3) the nature and importance of the program, activity, or service;
 - (4) the costs and resources available to the program or service.



Title VI and LEP Resources

- OCR has issued guidance to clarify the responsibility of providers of health and social services in serving LEP persons
- For more information visit:
<http://www.hhs.gov/ocr/civilrights/resources/specialtopics/lep/index.html>



The Age Discrimination Act of 1975

- The Age Discrimination Act prohibits discrimination on the basis of age in programs or activities that receive Federal financial assistance





The ADA and Section 504

Section 504 of the Rehabilitation Act of 1973

(Section 504) prohibits discrimination on the basis of disability by recipients of Federal financial assistance.

Title II of the Americans with Disabilities Act of 1990 (ADA) prohibits discrimination on the basis of disability by public entities.



What do we know about TANF clients?

- The U.S. General Accounting Office found that approximately 44% of TANF clients reported as blind or low vision, deaf or hard of hearing, or as having manual disabilities
- Many TANF clients are also caretakers of family members with disabilities





Disabilities that particularly affect TANF clients:

- Learning disabilities
- Cognitive disabilities
- Psychiatric disabilities
- Substance abuse disabilities

How disability issues may arise in the TANF context:

- Difficulty completing GED or job training programs
- Difficulty completing work requirements
- Difficulty achieving self-sufficiency within TANF time limits



Section 504/ADA

Definition of disability

A physical or mental impairment that substantially limits one or more major life activities.

- The individual has a substantially limiting impairment;
- The individual has a record of such an impairment; or
- The individual is regarded as having such an impairment



Major Life Activities

Includes, but not limited to walking, talking, hearing, seeing, eating, caring for oneself, learning, working, etc.

Episodic (considered in determining MLA)

Mitigating Measures (Not considered)



Three Relevant Legal Principles

TANF agencies must:

- Provide **equal access** for people with disabilities
- Make **reasonable modifications/provide reasonable accommodations** to avoid discrimination against and ensure equal opportunity for people with disabilities
- Ensure that the **way a program is operated** does not result in discrimination on the basis of disability

Failure to follow these principles may constitute *illegal discrimination*



Equal Access

- **Screening**

- identify those individuals with possible disabilities
- inform applicants that disclosure is voluntary

- **Assessment**

- individualized analysis
- survey of appropriate aids, services or accommodations/modifications





Reasonable Modifications and Accommodations

- TANF agencies must make reasonable program adjustments and provide alternatives based on an individual's needs so the individual may access the program
- One Size Does Not Fit All
- TANF agencies are not required to make modifications that would cause an undue burden or a fundamental alteration to the program



Reasonable Accommodations Include:

- Adjustment of work hours*
- Install ramps
- Accessible bathrooms
- Use of speaker phone
- Provide appointment or check-in reminders
- Note-takers
- Breaks in work day
- Designated parking
- Adjust workstation

* *Programs are still obligated to provide reasonable modifications even if it results in not being able to count the individual in the Federal work participation rate*



Reasonable Modifications and Accommodations - Examples

1. A TANF agency requires face-to-face eligibility interviews. Due to a disability, a person is unable to physically access the TANF office for an eligibility interview. As a reasonable modification, the TANF agency could meet with the client at an accessible location, or conduct this eligibility interview over the phone.



Reasonable Modifications and Accommodations - Examples

2. A TANF agency has education and training programs, and has instituted time limits for completing the programs. A client with a learning disability has difficulty completing the education and training program within the required time limit. As a reasonable modification, the TANF agency could grant an extension to the time limit if the extension would not fundamentally alter the nature of the program.



Effective Communication

- Requires programs to ensure that communications with individuals with disabilities are as effective as communications with others
- Requires programs to make available appropriate auxiliary aids and services (at *no cost* to the individual)



Effective Communication (continued)

- Primary consideration of individual's request
- No obligation if fundamental alteration in nature of program or undue administrative and financial burden





Auxiliary Aids Include:

- sign language interpreters
- Braille and taped material
- TDD or relay system
- telephone handset amplifier
- large print material
- exchange of written notes





Working with Service Providers

- Obligation to ensure service providers have the requisite knowledge, experience and expertise to serve beneficiaries with disabilities
- Failure to ensure an adequate supply of knowledgeable service providers may result in an individual being terminated from the TANF rolls because of time limitations



Methods of Administration

- Nondiscrimination Policies
- Section 504/ADA Coordinator
- Grievance Procedures
- Nondiscrimination Policy Statement





Section 504/ADA Coordinator

- Required to designate a coordinator if:
 - 15 or more employees (Section 504)
 - 50 or more employees (ADA)
- Responsible for coordinating Section 504/ADA efforts





Grievance Procedures

- Must establish grievance procedures
- Individual may also file with OCR within 180 days of the date of the alleged discrimination





Nondiscrimination Policy Statement

- Must provide *continuous* notice of nondiscrimination policy
- Must make available to individuals with sensory impairments
- Must be included in publications





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Questions?

