

## **Massachusetts Complaint Filed Through Health & Human Services' Office of Civil Rights**

In January 2001, the HHS Office of Civil Rights ruled in favor of two TANF (Temporary Assistance to Needy Families) clients who were sanctioned from benefits due to non-compliance of their self-sufficiency plans and who filed complaints alleging discrimination based on having a learning disability.

One of the complainants had a diagnosed learning disability, which was disclosed at intake, and the other did not disclose a learning disability. Both were low-literate adults, who were found to need basic educational services, but who were not accommodated for learning disabilities during implementation of their self-sufficiency plans.

The Office of Civil Rights found that the complainants civil rights were violated based on discrimination by:

- Failing to provide an opportunity to participate in or benefit from a program that is equal to the opportunity provided to those without disabilities.
- Providing services that are not as effective in affording equal level of achievement as those without disabilities.
- Limiting the rights, privileges, advantages, and opportunities enjoyed by non-disabled beneficiaries.
- Utilizing methods of administration that had the effect of subjecting complainants to discrimination on the basis of a disability.
- Failing to make reasonable modifications in policies, practices, and procedures that were necessary to avoid disability-based discrimination.

This case is particularly relevant to programs because the Office of Civil Rights made several applicable statements in their ruling:

- “The program took no documented steps to determine if a learning disability existed, or based on having a learning disability, attempted to determine what type of accommodations might be needed to make the program more successful.”
- “There were no documented regular assessment periods to determine if other programming options should be tried in order to stimulate better success.”
- “Documented steps should have been taken related to learning disabilities based solely on the fact of complainants’ low basic skills and disclosed life histories.”
- “There were no written policies, procedures, or practices designed to determine how the agency would serve clients with learning disabilities.”
- “Nothing in our investigation leads to the conclusion that making reasonable modifications to the program to facilitate equal access for those who are disabled would result in undue hardship or a fundamental alteration of the program.”