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individuals with vision impairments. Similarly, a TANF agency must ensure that vendors providing adult basic education programs utilize sign language interpreters for TANF beneficiaries enrolled in the program who have hearing impairments, when interpreters are necessary to ensure effective communication for these beneficiaries and do not constitute a fundamental alteration.

31. For example, a TANF agency located on the second floor of a building with no elevator could conduct intake interviews in an accessible ground floor office for TANF applicants who have mobility impairments. However, when the ground-floor office is unavailable for evening job counseling sessions involving both TANF beneficiaries with disabilities and beneficiaries without disabilities, the agency should host the session in an alternate, accessible location.

32. See, e.g. 28 C.F.R. § 35.150(a)(3) (Title II ADA regulations requiring procedural safeguards in cases in which requested structural modifications will not be made).

33. ³³ See 28 C.F.R. § 35.130(b)(8) (ADA regulations); 45 C.F.R. § 84.4(b)(1) (Section 504 regulations).

34. We recognize that TANF agencies may benefit from further technical assistance concerning specific ways to ensure that individuals with disabilities have an equal opportunity to benefit from TANF programs run by contractors and vendors.

35. This approach is being utilized by the States of Washington and Utah. See Thompson, Terri S., and Kelly S. Mikelson, Screening and Assessment in TANF/WtW: Ten Important Questions TANF Agencies and Their Partners Should Consider, Office of the Assistant Secretary for Planning and Evaluation/Office of Planning, Research and Evaluation, U.S. Department of Health and Human Services, Forthcoming (February 2001), at 29, 42 & Appendix A at A-3 (hereafter "Ten Important Questions"). See also id., at Appendix B, at A-18 (describing separate screening tool specifically for learning disabilities utilized by Washington and eight other States). As noted previously in this guidance, staff should, of course, be trained to administer such documents.

36. This approach is being utilized by the State of Kansas. See Ten Important Questions, at 31 & Appendix A at A-19.

37. This approach is being utilized by the States of Kentucky (in eight designated counties) and Tennessee. See Ten Important Questions, at 42-43.

38. This approach is being utilized by the State of Tennessee. See Ten Important Questions, at 43.

39. The TANF agency can appropriately pay for these counseling services with Federal TANF funds. See U.S. Department of Health and Human Services, Administration for Children and Families, Helping Families Achieve Self-Sufficiency: A Guide on Funding Services for Children and Families Through the TANF Program, at 14 (Dec. 21, 1999) (providing examples for the appropriate use of funds) (hereafter TANF Funding Guide), <http://www.acf.dhhs.gov/programs/ofa/funds2.htm>. TANF funds cannot, however, be used for medical services (with the exception of pre-pregnancy family planning services). See 42 U.S.C. § 608(a)(6).

40. This approach is being utilized in the State of Georgia, through an agreement between the Georgia Department of Family and Children's Services (the TANF agency) and the Division of Rehabilitation Services (the vocational rehabilitation agency). See Georgia TANF Project Overview: The Assessment of TANF Recipients.

41. This approach is utilized by the State of Maine. Among the strategies used by contractors are assessing disabilities and other barriers, coordinating with TANF agency staff to develop a service plan for TANF beneficiaries, helping beneficiaries access needed services and providing job search assistance. See Thompson, Terri S., Pamela A. Holcomb, Pamela Loprest and Kathleen Brennan, State Welfare-to-Work Policies for People with Disabilities: Changes Since Welfare Reform, Office of the Assistant Secretary for Planning and Evaluation/Office of Planning, Research and Evaluation, U.S.

Department of Health and Human Services, at 19-20 (Oct. 1998) (hereafter "Changes Since Welfare Reform"), http://www.urban.org/welfare/wel2work_es.html; Holcomb, Pamela A. and Terri S. Thompson, State Welfare-to-Work Policies for People with Disabilities: Implementation Challenges and Considerations, Office of the Assistant Secretary for Planning and Evaluation/Office of Planning, Research and Evaluation, U.S. Department of Health and Human Services at 33 (August 2000) (describing this approach as in use specifically in Portland, Maine), <http://www.urban.org/welfare/wel-wrk-2k.html>. Similarly, in a pilot program in one county in New Jersey, a TANF agency has entered into partnerships with mental health providers to create teams in which providers work with TANF agency staff to identify TANF beneficiaries with mental illness, assess these beneficiaries' clinical needs, and link these beneficiaries to mental health services and supported employment. See Ten Important Questions, at 32.

42. See 28 C.F.R. § 35.130(b)(7) (ADA regulation); See also Alexander v. Choate, 469 U.S. at 301 (Supreme Court decision concerning Section 504, stating that "reasonable accommodations in the grantee's program or benefit may have to be made" in order to ensure meaningful access to the program or benefit.)

43. As set out in OCR's August 1999 welfare reform guidance, although TANF agencies may exempt individuals with disabilities, agencies may not prohibit a qualified individual with a disability from participating in work and other TANF programs because the person has a disability. Eligibility for participation in any benefit, service or program must be based on an individual assessment of each person's ability to meet the eligibility requirements rather than on stereotypes or assumptions about the effects of a type of disability. See "Civil Rights Laws and Welfare Reform—An Overview," at 4. Where reasonable accommodations and reasonable program modifications would allow a TANF beneficiary with a disability to work, the agency should provide the accommodations and modifications unless doing so would fundamentally alter the TANF program. Similarly, if the TANF agency allows individuals who are exempt to volunteer to participate in TANF programs, the TANF agency should allow individuals with disabilities who are exempt to participate, and should ensure that these individuals receive the necessary accommodations to facilitate their participation, unless ensuring the participation of these individuals would constitute a fundamental alteration of the TANF program.

44. Referral to determine eligibility for Supplemental Social Security Income (SSI) and continued receipt of cash assistance pending determination is another acceptable course of action.

45. This approach is being utilized by the State of Kansas. See Kansas Department of Social and Rehabilitation Services, State of Kansas - Kansasworks: Comprehensive Screening and Assessment (April 24, 2000). Through reviewing a variety of data, the State of Kansas determined that 30% of TANF beneficiaries screened "positive" for learning disabilities, 16% of beneficiaries appeared to have either a mental or musculoskeletal impairment, and 26% of beneficiaries scored below 80 on an IQ test. Id.

46. Id. In response to a survey from the American Public Human Services Association (APHSA), many States indicated that aggregate client assessment data was "very important" for the planning and development of programs to meet service needs. See American Public Human Services Association Research Notes, TANF Client Assessments: Program Philosophies and Goals, Sequencing of Process, Uses of Information and State Changes or Modifications, Promising Practices and Lessons Learned, at 7 (Sept. 2000), <http://www.aphsa.org/opd/research/researchnotes0900.html>.

47. Of course, if such notice is provided, the TANF agency should in fact be ready, willing and able to assist the person receiving the notice.

48. This approach is being utilized in Tennessee. See National Governors' Association Reports Online, Serving Welfare Recipients with Learning Disabilities in a Work First Environment, at 6 (July 28, 1998) (hereafter "Serving Welfare Recipients"), <http://www.nga.org/Pubs/IssueBriefs/1998/980728Learning.asp>; National Governors' Association Center for Best Practices, Online document, Learning Disabilities: Tennessee Learning Disabilities Initiative (undated), <http://www.nga.org/welfare/barriers/TNLearningDisabilities.asp>.

49. This approach is being used in Arkansas, and was implemented as a result of a legislative amendment. See Ten Important Questions, at 17.
50. Section 407(d) of PRWORA sets out the 12 work, training and education activities in which TANF beneficiaries may participate in order to be "engaged in work" for the purpose of counting toward the State's work participation rate requirements. Among these activities are education directly related to employment, satisfactory attendance in secondary school or a GED program for individuals without a secondary school diploma or GED certificate and job skills training directly related to employment. 42 U.S.C. § 607(d); See also TANF regulations at 45 C.F.R. §§ 261.30-261.36 (outlining the federal work activities and how they count for purposes of the work participation rate).
51. Individuals with disabilities who receive supported employment might, for example, have the services of a "job coach" to work alongside the person with a disability and assist the person with job duties.
52. The Department of Health and Human Services' Administration for Children and Families has indicated that States may appropriately use Federal TANF or State "maintenance of effort" funds for this purpose. See TANF Funding Guide, at 12-13.
53. The preamble to the TANF regulations makes clear that HHS intended States to have discretion and flexibility in defining "countable" work activities, so long as States' definitions are consistent with Congress' intent in drafting PRWORA. See Department of Human Services, Administration for Children and Families, Temporary Assistance for Needy Families, Final Rule, 45 C.F.R. Part 260, et al., Preamble, Section VI, 64 Fed. Reg. 17720 at 17776 (April 12, 1999).
54. This approach is being utilized in Minnesota. See Ten Important Questions, at 21. A State can also allow TANF beneficiaries to participate in such activities as disability screening, assessment and treatment, even though these activities may not "count" for purposes of the State's work participation rate. Id., at 20-21.
55. This approach is being utilized in New Hampshire. See Ten Important Questions, at 20.
56. These modifications would be consistent with the first purpose of the TANF program: to "provide assistance to needy families so that children may be cared for in their own homes or in the homes of relatives." See 42 U.S.C. § 601(1).
57. See 28 C.F.R. § 35.130(b)(3) (ADA regulations); 45 C.F.R. § 84.4(b)(4) (Section 504 regulations).
58. See 28 C.F.R. § 35.130(b)(3) (ADA regulations); 45 C.F.R. § 84.4(b)(4) (Section 504 regulations).
59. See 28 C.F.R. Part 35, Appendix A, § 35.130, at 467 (1996) (commentary to Title II ADA regulations).
60. This approach is being utilized in four districts in the State of Vermont. This project is supported by U.S. Department of Labor Welfare-to-Work (WtW) formula grant funds. See National Governors' Association Center for Best Practices, Online document, Physical and Developmental Disabilities: Vermont Welfare-to-Work/Vocational Rehabilitation Collaboration (undated), www.nga.org/Welfare/barriers/VTWelfareToWork.asp.
61. This approach is being utilized in New Hampshire. See Serving Welfare Recipients, at 4.
62. This approach is being utilized in Arkansas. See National Governors' Association Center for Best Practices, Online document, Learning Disabilities: Arkansas Learning Disabilities Training and Dissemination Project (undated), <http://www.nga.org/Welfare/barriers/ARLearningDisabilities.asp>.
63. See 29 C.F.R. § 37.70-37.80 (WIA nondiscrimination regulations setting forth complaint processing

GAO

United States General Accounting Office
Report to Congressional Requesters

July 2002

WELFARE REFORM

Outcomes for TANF Recipients with Impairments



G A O

Accountability * Integrity * Reliability

GAO-02-884

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Abbreviations

HHS	Department of Health and Human Services
PRWORA	Personal Responsibility and Work Opportunity Reconciliation Act of 1996
SIPP	Survey of Income and Program Participation
SSI	Supplemental Security Income
TANF	Temporary Assistance for Needy Families



G A O

Accountability * Integrity * Reliability

United States General Accounting Office
Washington, DC 20548

July 8, 2002

The Honorable Benjamin L. Cardin
Ranking Minority Member
Subcommittee on Human Resources
Committee on Ways and Means
House of Representatives

The Honorable Pete Stark
House of Representatives

With the enactment of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), the Congress made sweeping changes to federal welfare policy for needy families. PRWORA created the Temporary Assistance for Needy Families (TANF) block grant to states, which emphasizes work and responsibility over dependence on government benefits. The Department of Health and Human Services (HHS) oversees the TANF block grant program, which provides grants to states totaling up to \$16.5 billion each year through September 2002 and requires states to maintain a historical level of state spending on welfare-related programs.

To provide you with information on how people with impairments are faring in the new welfare environment, you asked us to determine: (1) the extent to which recipients with impairments exit TANF, compared with recipients without impairments; and (2) the extent to which people with impairments are employed after leaving TANF, compared with people without impairments. To address both questions, we analyzed self-reported data from the Census Bureau's Survey of Income and Program Participation (SIPP), a nationally representative survey. We used a cross-section of responses given between July 1997 and July 1999 and relied on a definition of impairments developed by Census. This broad definition includes both severe and non-severe physical and mental impairments. (See appendix I for the complete definition of impairments.) Our analyses included both descriptive statistics and multivariate analyses. We also reviewed findings of other studies to supplement the SIPP data. We conducted our work from March to June 2002 in accordance with generally accepted government auditing standards.

A list of Related GAO Products is included at the end of this report. If you have any questions concerning this report, please contact me on 202-512-7215 or Gale Harris, Assistant Director, on 202-512-7235. Heather McCallum, Tiffany Boiman, Wendy Ahmed, and Grant Mallie also made key contributions to this report.



Cynthia M. Fagnoni, Managing Director
Education, Workforce, and
Income Security Issues



Outcomes for TANF Recipients with Impairments

Briefing for Staff of
Representative Cardin
and
Representative Stark

June 28, 2002



Key Questions

- To what extent do recipients with impairments exit the Temporary Assistance for Needy Families (TANF) program, compared with recipients without impairments?
- To what extent are people with impairments employed after leaving TANF, compared with people without impairments?



Scope and Methodology

- To address our key questions, we analyzed self-reported data from the Census Bureau's Survey of Income and Program Participation (SIPP), a nationally representative survey. We used a cross-section of responses given between July 1997 and July 1999.
 - We relied on a definition of impairments developed by Census. This broad definition includes both severe and nonsevere physical and mental impairments. See appendix I for definition of impairments.
 - We conducted statistical analyses of the SIPP data, including logistic regression analyses. See appendix I for more information on our methodology.
 - We reviewed findings of other studies to supplement the SIPP data. See appendix II for related studies.
-



Major Findings

- Controlling for certain demographic factors, recipients with impairments are half as likely to exit TANF as recipients without impairments.
- Controlling for certain factors, people with impairments are less likely than people without impairments to be employed after leaving TANF; many receive Supplemental Security Income (SSI).



Background – TANF Block Grant

Temporary Assistance for Needy Families (TANF)

- The Congress created the TANF block grant in 1996 for states to provide cash assistance and other supports to low-income families with children.
 - Under TANF, most recipients are limited to 60 months of federal assistance, although up to 20 percent of a state's caseload may receive extensions.
 - Many TANF recipients are required to work, with some exemptions allowed.
 - No federal rules explicitly address identifying or serving people with impairments through TANF.
 - TANF caseloads have declined by more than 50 percent since 1996.
-



Background – TANF Recipients

- TANF recipients are diverse.
- In earlier work¹, we found that:
 - Many TANF recipients have characteristics that may make it difficult for them to find and keep jobs.
 - Many recipients with impairments may not be receiving assistance to help them move toward employment.
 - Recipients with impairments are sometimes exempted from work requirements but not from time limits.
- These findings, combined with caseload decline, contribute to concerns about outcomes for TANF recipients with impairments.

¹See U.S. General Accounting Office, *Welfare Reform: More Coordinated Federal Effort Could Help States and Localities Move TANF Recipients With Impairments Toward Employment*, GAO-02-37 (Washington D.C.: Oct. 31, 2001); and *Welfare Reform: Moving Hard-to-Employ Recipients Into the Workforce*, GAO-01-368 (Washington D.C.: Mar. 15, 2001). 6



Background – The Relationship between SSI and TANF

- SSI is designed to provide cash assistance to low-income individuals with long-term impairments that prevent them from obtaining or retaining employment.
 - SSI differs from TANF in that applicants are subject to *federally established* eligibility requirements and benefit levels and a disability determination process that is similar *nationwide*.
 - Some TANF recipients have impairments severe enough to qualify them for SSI. Although individuals may not receive SSI and TANF at the same time, some collect TANF while they are awaiting determination of their eligibility for SSI.
-



Definition of Impairments

- We relied on a definition of impairments developed by the U.S. Census Bureau. This broad definition includes both severe and nonsevere physical and mental impairments, such as:
 - Had difficulty performing one or more functional activities, including seeing, hearing, speaking, lifting, and carrying, using stairs, and walking.
 - Had one or more specific conditions, including a learning disability, mental retardation or another developmental disability, Alzheimer's disease, or some other type of mental or emotional condition.
 - Used a wheelchair, a cane, crutches, or a walker.
 - We included in our analysis only people who reported meeting this definition of impairments in both July 1997 and July 1999.
 - See appendix I for the complete definition of impairments.
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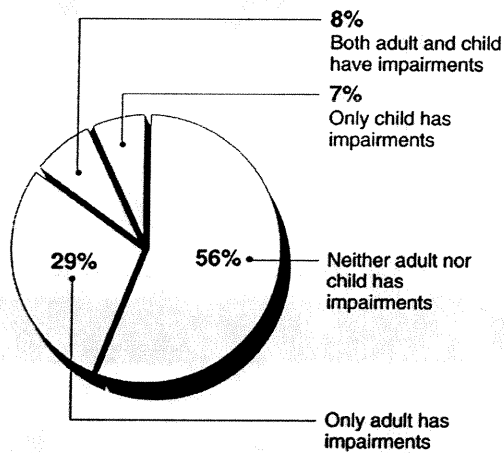
Impairments and TANF Exits

- Impairments are relatively common among TANF recipients and their children.
 - Recipients with impairments were more likely to be over age 35 and white than those without impairments.
 - Controlling for certain demographic characteristics, recipients with impairments were half as likely to exit TANF as recipients without impairments.
 - Other factors may also affect whether recipients exit TANF.
-

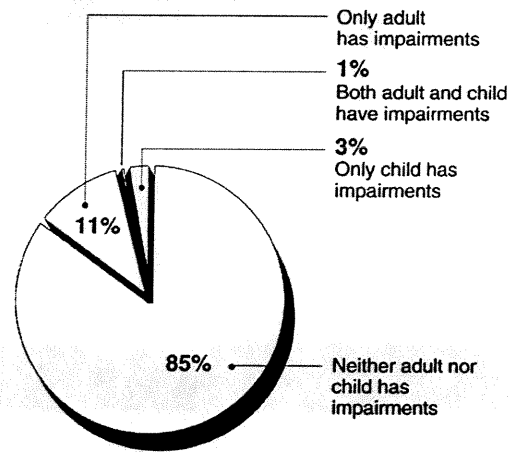


Impairments Are Relatively Common among TANF Recipients and Their Children

TANF recipients



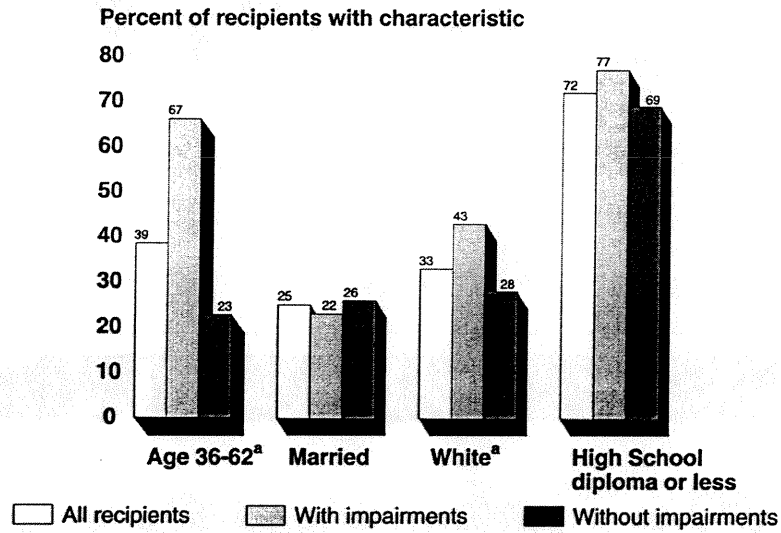
Non-TANF population



Overall, 44 percent of TANF recipients had impairments or were caring for a child with impairments, compared with 15 percent of the non-TANF population.



Recipients with Impairments Were More Likely to Be Over Age 35 and White than Those without Impairments



^a Differences between recipients with and without impairments are statistically significant.



Controlling for Certain Demographics, Recipients with Impairments Less Likely to Exit TANF

- Overall, most recipients (74 percent) exited TANF during our observed time period (July 1997 to July 1999).
- Using a statistical model to control for basic demographic factors and state-level differences, we found that recipients with impairments were half as likely to exit TANF during the time period as recipients without impairments.
- The statistical model controlled for the following variables:
 - Gender,
 - Race,
 - Age,
 - Marital status,
 - Education, and
 - State.¹

¹A variable is included in the model to control for any differences among states, although the model does not evaluate the specific effects of different state policies.



Other Factors May Also Affect Whether Recipients Exit TANF

- Other factors that may affect TANF exits include:
 - Severity, type or number of impairments,
 - personal motivation,
 - family support,
 - local economies, and
 - local TANF policies.

- Two people with identical impairments may have different outcomes due to some of these factors.

See U.S. General Accounting Office, *Social Security Disability Insurance: Multiple Factors Affect Beneficiaries' Ability to Return to Work*, GAO/HEHS-98-39 (Washington, D.C.: Jan. 12, 1998).

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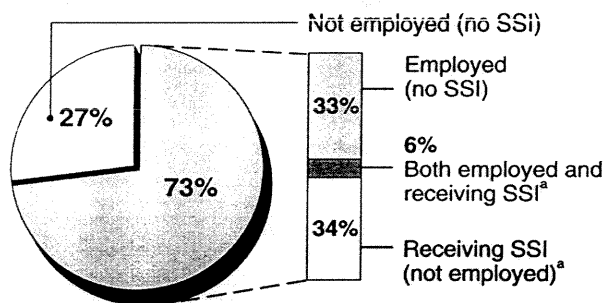


Outcomes for Leavers with Impairments Compared with Leavers without Impairments

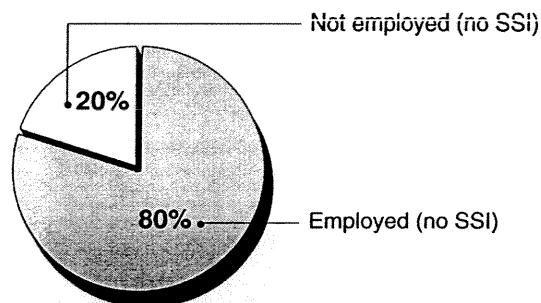
- Controlling for certain factors, leavers with impairments were less likely to be employed; many received SSI.
- For those with earnings after exiting TANF, earnings were similar for those with and without impairments.
- Leavers with impairments were more likely to report having no personal or household earnings, or SSI.
- Leavers with impairments were more likely to receive Food Stamps and Medicaid.
- One in four leavers with or without impairments returned to TANF.

Leavers with Impairments Less Likely to Be Employed, but Many Receive SSI

Leavers with impairments



Leavers without impairments



Notes:

(1) For comparison, among the non-TANF populations, 52 percent of people with impairments are employed, while 93 percent of people without impairments are employed.

(2) "Employed" and "Receiving SSI" include people who reported being employed or receiving SSI, respectively, in any month after leaving TANF and before the end of July 1999. "Not employed" and "no SSI" include people who reported not being employed or not receiving SSI, respectively, the entire time after leaving TANF and before the end of July 1999.

^aAbout 309,000 leavers received SSI, which accounts for 40 percent of leavers with impairments, or 14 percent of all leavers.



Controlling for Certain Demographics, Leavers with Impairments Less Likely to Be Employed

- Using a statistical model to control for basic demographic factors, state-level differences, and receipt of SSI, we found that leavers with impairments were one-third as likely to be employed as leavers without impairments between July 1997 and July 1999.
- The statistical model controlled for the following variables:
 - Gender,
 - Race,
 - Age,
 - Marital status,
 - Education,
 - State,¹ and
 - SSI.

¹A variable is included in the model to control for any differences among states, although the model does not evaluate the specific effects of different state policies.



Earnings of Leavers with Impairments after Exiting TANF

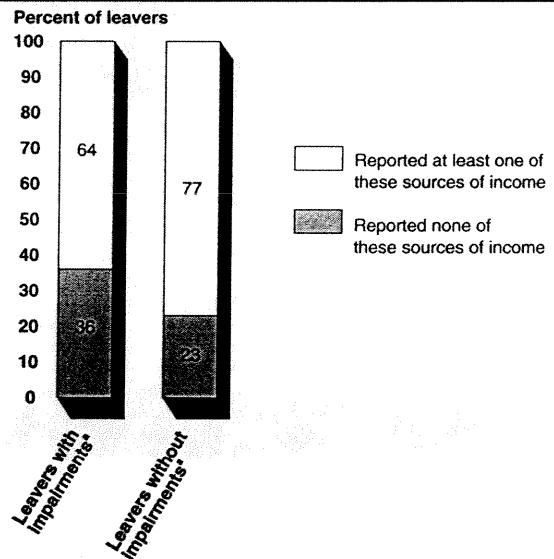
- Personal earnings.
 - Leavers with personal earnings reported an average of about \$1,000 per month. This figure was the same for leavers with and without impairments.¹ (Earnings could come from employment or other sources.)
 - No significant change in personal earnings for either group in first 6 months after exiting TANF.
- Earnings of others in the household (household earnings).
 - About 35 percent of leavers with impairments reported having household earnings, the same as for leavers without impairments.
 - Leavers with household earnings reported an average of about \$2,000 per month in addition to any personal earnings. This figure was the same for leavers with and without impairments.
 - No significant changes in household earnings for either group in first 6 months after exiting TANF.

¹ "Same" indicates that there were no statistically significant differences. However, figures are based on small numbers of respondents. Differences too subtle to measure could exist.



Leavers with Impairments More Likely to Report Having No Personal or Household Earnings, or SSI

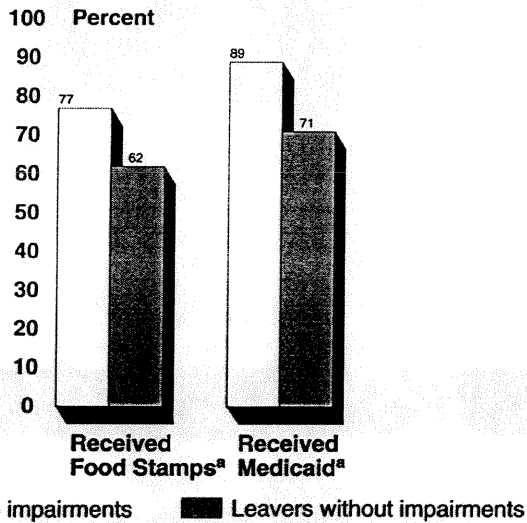
In their first month after leaving TANF, 36 percent of leavers with impairments reported having no personal or household earnings, or SSI, compared with 23 percent of leavers without impairments.



^a Differences between recipients with and without impairments are statistically significant.



Leavers with Impairments Were More Likely to Receive Food Stamps and Medicaid



^a Differences between leavers with and without impairments are statistically significant.



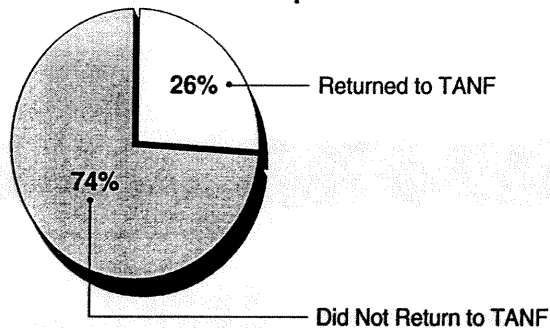
Recipient Outcomes Could Differ Depending on Type of Exit

- Recipients exit TANF for a variety of reasons, including increased income, time limits, sanctions for noncompliance with program requirements, and voluntary exits. Some of these types of exits may be more associated with negative outcomes than others.¹
- SIPP data do not include information on how people exit TANF.
- At least one study (MDRC Urban Change) found that recipients with more health problems were more likely to be sanctioned for noncompliance than their healthier counterparts. Similarly, over 50 percent of leavers with health problems had their benefits terminated due to noncompliance, compared with 39 percent of leavers without health problems. See appendix II for related studies.

¹ U.S. General Accounting Office, *Welfare Reform: State Sanction Policies and Number of Affected Families*, GAO/HEHS-00-44 (Washington, D.C.: Mar. 31, 2000).

One in Four Leavers Returned to TANF

- Overall, about one in four recipients who left TANF between July 1997 and July 1999 returned to TANF before the end of that period.
- There were no significant differences between people with impairments and those without impairments on this measure.





Appendix I: Methodology

- To investigate the differences between impaired and nonimpaired TANF recipients and leavers, we used data collected in the Census Bureau's Survey of Income and Program Participation (SIPP).
 - We used respondents that were in the sample in both wave 5 and wave 11, from July 1997 to July 1999, and analyzed their responses during this time period.
 - The survey is of a probability sample of households nationwide, and we have used appropriate techniques to weight the data to make population estimates for 1999 as well as to take into account the complex sampling design when estimating variances.
 - We used the questions and responses to the survey to look at several differences between impaired and nonimpaired TANF recipients, nonrecipients, and leavers.
 - We focused first on overall differences between impaired leavers and nonimpaired leavers.
 - Following these simple analyses, we developed multivariate models that included demographic characteristics and state as well as disability status.
-



Appendix I: Methodology (continued)

Multivariate models (logistic regression)

- First, we looked at the difference in the likelihood of leaving TANF for impaired and nonimpaired recipients using the following model:

Exit TANF = Disability + Age + Gender + Married + Race + Education + State.

- Next, for those reporting leaving TANF, we looked at the difference in the likelihood of being employed for impaired and nonimpaired recipients, using the following model:

Employed After Leaving TANF = Disability + Age + Gender + Married + Race + Education + State + SSI.



Appendix I: Methodology (continued)

Definitions

TANF recipient: Respondents who reported receiving TANF in any month during the period (July 1997 – July 1999).

TANF leaver: Respondents who reported receiving TANF in some month during the period, and subsequently not receiving TANF at some point for at least 2 consecutive months.

Non-TANF population: Respondents who did not receive TANF benefits in any month during the time period.

Employed (leavers): Respondents who reported employment in any month after leaving TANF during the time period.

Age: Categorized as 18-34 and 35-62 and defined as the respondents reported age in wave 5, July 1997.



Appendix I: Methodology (continued)

Definitions (continued)

Education: Categorized as either having at least a high school diploma or not. For models of TANF exits, education is defined as the reported level of education in wave 5, July 1997; for models predicting employment among leavers, education is defined as the reported level of education in the month the respondent reported leaving TANF.

Marital status: Categorized as either married or not. For models of TANF exits, marital status is defined as reported status in wave 5; for models predicting employment among leavers, marital status is defined as reported status in the month the respondent reported leaving TANF.

Received Food Stamps/Medicaid (leavers): Respondents who reported receiving Food Stamps/Medicaid in any month after leaving TANF during the time period.



Appendix I: Methodology (continued)

Definitions (continued)

Impaired: Categorized as impaired or not. Respondents are defined as “impaired” or “disabled” if they report being impaired in both wave 5 and wave 11 of SIPP and are defined as “not impaired” if they report being not impaired in both wave 5 and wave 11 of SIPP.

To be identified as having a disability or impairment in SIPP, individuals must meet specific disability criteria developed by the U.S. Census Bureau.

Although the Census Bureau has developed further criteria for distinguishing between persons with severe and nonsevere disabilities, we did not make this distinction. Our use of the term “impairments” includes both people with severe and nonsevere disabilities. That is, they must meet any of the following criteria:

- Had difficulty performing one or more functional activities, including seeing, hearing, speaking, lifting, and carrying, using stairs, and walking
 - Had difficulty with one or more activities of daily living, such as getting around inside the home, getting in or out of a bed or chair, bathing, dressing, and eating.
-



Appendix I: Methodology (continued)

Definition of impairments (continued)

- Had difficulty with one or more instrumental activities of daily living, including going outside the home, keeping track of money or bills, preparing meals, doing light housework, and using the telephone.
- Had one or more specific conditions, including a learning disability, mental retardation or another developmental disability, Alzheimer's disease, or some other type of mental or emotional condition.
- Had other mental or emotional condition that seriously interfered with everyday activities, including frequently depressed or anxious, trouble getting along with others, trouble concentrating, or trouble coping with day-to-day stress.
- Had a condition that limited the ability to work, including around the house.
- Had a condition that made it difficult to work at a job or business.
- Received federal funds based on inability to work.
- Used a wheelchair, a cane, crutches, or a walker.



Appendix II: Related Studies

- Acs, Gregory, and Pamela Loprest. "Do Disabilities Inhibit Exits from AFDC?" Washington, D.C.: The Urban Institute, 1994.
- Brandon, Peter D., and Dennis P. Hogan. "The Effects of Children with Disabilities on Mothers' Exit from Welfare." Paper presented at the Joint Center for Poverty Research, Research Conference. Washington, D.C.: February 2002.
- Collier-Bolkus, Winifred. "The Impact of the Welfare Reform Law on Families with Disabled Children That Need Child Care." Ph.D diss., Widener University, 2000.
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To: Senate Committee on Labor and Agriculture

From: Pat DeLessio

Date: October 29, 2002

In response to DWD's proposed rule amendments to DWD 12 and 17 we submitted the attached comments. Our comments focus on the need to establish a process for identifying W-2 applicants and participants with disabilities and other barriers to participation and/or employment, conducting formal assessments, providing appropriate services, and insuring that W-2 case workers are properly trained. The comments are based, in part, on the policy guidance issued by the Office of Civil Rights to TANF agencies. Although DWD has made some changes, they do not go far enough.

DWD has added two definitions - screening and formal assessment, (DWD 12.03(2)) The definition of formal assessment should be furthered amended to conform to the OCR guidelines which provide that an assessment determines:

whether the individual in fact has disabilities; the nature of any disability; the extent to which the individual is capable of employment or participation in employment-related (e.g. job training or education) activities and under what conditions; the implications of the disability on securing and maintaining employment; the appropriateness of a particular work assignment or plan for employment; the need for reasonable accommodations, reasonable modifications to policies, the provision of auxiliary aids and services and communication assistance; the need for training and education prior to employment; the applicability of work participation rules and time limits, and the appropriateness of applying sanctions.

Adopting the OCR definition would ensure compliance with both TANF requirements and the state's obligations under the Americans with Disabilities Act and §504 of the Rehabilitation Act. It would also insure that an individual's abilities and limitations are fully explored and documented, and that the training and other services needed are identified.

A third definition - employability plan - should be modified as well. (DWD 12.03(12)) The employability plan is a crucial document. It sets forth the individual's assignments and obligations as well as the services the agency agrees to provide. It should, by its very nature, be unique to the individual. Actual plans, however, are often just the opposite - identical and standardized. The rule should be amended to provide that the employability plan must be based on the screening and assessment conducted by the agency, specify any modifications to policies and procedures that are needed and include supports and accommodations. Unless this information is required there is no way to ensure that participants will receive the services they need.

Section 12.05(1) currently provides that W-2 agencies must comply with state law. DWD proposes to add and "applicable federal law." Because of the ongoing failure to comply with the ADA and §504 of the Rehabilitation Act specific reference should be added to the state rule.

Section 12.06 describes the application process for W-2. We suggested that the section be amended to include a requirement that a screening be conducted at the time of application. DWD rejected this suggestion. In order to comply with state and federal law and insure appropriate services, an initial screening must be done at the time of application. Disabilities, substance abuse issues, family problems, etc., must be identified as early as possible to insure that these barriers to work are addressed.

Section 12.15(2) discusses the development of employability plans. This section is somewhat confusing. The rule should be clarified to provide that if a screening indicates the need for an assessment, the assessment should be the first assignment specified in the employability plan. The plan should then be revised once the formal assessment is completed. We suggested that the rule be modified to provide that an assessment may need to be re-done as a participant's situation changes. DWD agrees that case management is an ongoing process but does not believe a rule change is needed. Why is not clear.

Our comments also address assignment to work categories, criteria for extensions, payment sanctions and strikes. (See May 14, 2002 comments, pages 4 and 5, Sections 3, 4(c), 4(d) and 4(e)) DWD rejected the suggestions on the ground that

the issues are already addressed by W-2 policy and/or DWD plans to monitor W-2 cases. W-2 policy is not a rule and can be changed at anytime. And while we support DWD's efforts to monitor and review W-2 cases, to date we have not seen any results from DWD's efforts.

Our suggestions would require the rules to reflect what DWD claims is policy - that participants with disabilities can participate in all levels of W-2 and that if an accommodation is needed to enable participation (such as transportation or a job coach) then it is provided. Our suggestions would also help to foster compliance by the W-2 agencies. If the W-2 agency fails to conduct screening, assessments and/or provide appropriate services then a sanction and/or strike could not be entered against a participant. This simply holds the agencies accountable to their contractual obligations.

The remainder of our comments relate to the training requirements for W-2 case workers. (FEPs) Our suggestions, which were not accepted by DWD, would require FEPs and other W-2 workers to receive training that would require knowledge of, and the ability to comply with, the requirements of state policy and federal law, specifically the ADA and §504 of the Rehabilitation Act.

In February 2002 this office filed a complaint with the Office of Civil Rights on behalf of W-2 applicants and participants who are disabled or have family members with disabilities. A similar complaint was filed by the ACLU in conjunction with the NAACP. Despite discussions with DWD, our complaints remain unresolved. State rules must be amended to conform with the requirements of federal civil rights law as set forth in the OCR guidelines. These guidelines outline the procedures and practices needed to provide appropriate treatment, services and accommodations to participants with disabilities or disabled family members. If followed, they will provide the individualized treatment and supports that should be the guarantee of W-2. Without such, many participants have little chance of ever securing employment.

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Elaine Pridgen
Office of Legal Counsel
Department of Workforce Development
201 East Washington Avenue
P. O. Box 7946
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Re: Proposed Rules - DWD - Chapters 12 and 17

Dear Ms. Pridgen:

These comments are submitted in response to DWD's proposed rules regarding the provision of W-2 services to victims of domestic violence, the need for screening and assessments of participants, standards for extensions of the W-2 time limits and training for W-2 workers.

Recently the W-2 program has been the focus of two complaints, including one by this office, alleging failure to comply with the requirements of §504 of the Rehabilitation Act and the Americans with Disabilities Act. In addition, the Milwaukee W-2 advisory committee has made a number of recommendations regarding the need for improved screening and assessment tools to better identify and serve persons with disabilities and other barriers to employment, standards for extensions, and improved training for W-2 workers. The proposed rules should be viewed as an opportunity to address the concerns raised by the OCR complaints and the advisory committee and to ensure compliance with the provisions of federal disability law.

Based on the concerns set forth in our OCR complaint we offer the following suggestions:

Chapter 12

1. DWD 12.15 - The current rule is divided into two parts - assessment and

employability plan. The proposed rule proposes to add a requirement that each W-2 agency administer a screening tool as part of the employability plan. While recognizing the undisputed need for a screening process, the rule fails to clearly delineate the procedure that the W-2 agencies should follow.

The process of identifying disabilities and other barriers to W-2 participation and/or employment and providing appropriate services can be divided into three distinct procedures:

- (1) screening - utilizing effective tools during the application process to identify participants or family members (this includes all children and adults in the household) who are victims of domestic violence, have physical or mental disabilities (including cognitive and learning disabilities), suffer from traumatic brain injury, or have substance abuse problems;
- (2) conducting timely and comprehensive assessments in those cases in which the screening tool indicates one of the above problems; and
- (3) developing an employability plan which is based on the assessment conducted, takes into account an individual's needs and abilities and provides appropriate supports and accommodations (i.e. such as specialized transportation, in home services, a job coach etc.).

Each of these three procedures must be clearly delineated and defined. To achieve such, the suggestions made by OCR in the attached policy guidance should be reviewed and incorporated. The amended rule should:

- (a) add the term "screening" to the definition section, DWD 12.03, and define it by reference to use of a properly validated tool utilized to identify participants and family members who are victims of domestic violence, have physical or mental disabilities, suffer from a traumatic brain injury or have substance abuse problems;
- (b) amend the definition of assessment found in DWD 12.03 (2) to provide that the purpose of an assessment is to determine whether, in fact, the individual is a victim of domestic violence, has a substance abuse problem or has disabilities or a family member with disabilities; the

nature of the problem; the extent to which the individual is capable of employment or participation in W-2 activities and under what conditions; the implications of the identified barriers and/or disabilities to securing and maintaining employment; the appropriateness of a particular work assignment or plan for employment; the need for reasonable accommodations, reasonable modifications to policies, the provision of auxiliary aids and services and communication assistance; the need for training and education prior to employment; the applicability of work participation rules and time limits; and the appropriateness of applying sanctions,

- (c) amend the definition of employability plan found in DWD 12.03(12) to provide that the plan must be based on the screening and assessment conducted, set forth with specificity the activities the participant is assigned to, delineate the services the W-2 agency is to provide, (including any special supports and accommodations to facilitate participation), and any modifications to policies and procedures needed (the hours assigned should be based on the assessment; not a standard prescribed number of hours);
- (d) amend DWD 12.06, application for Wisconsin Works, to include a requirement that a screening be conducted at the time of application for W-2 services and benefits; and
- (e) amend DWD 12.15 to delineate the three procedures of (1) screening, (2) assessment and (3) employability plan as separate requirements, as discussed above and in the OCR guidelines. This section should also provide that the process of case-management, (screening, assessment and plan development), is an ongoing process, not just at the time of application and/or review. Assessments may need to be re-done as a participant's situation changes, her skills improve, she has difficulty completing assigned activities, etc., and/or new supports or services may need to be added to a plan.

2. DWD 12.15(3) implements the W-2 family violence option. Under the federal rule a state that elects the family violence option, as Wisconsin has now done, must have procedures to (a) screen and identify domestic violence victims, (b) refer such individuals to counseling and supportive services, and (c) provide waivers, pursuant

to a determination of good cause, of normal program requirements for so long as necessary in cases where compliance would make it more difficult for such individuals to escape domestic violence or unfairly penalize those who are or have been victimized by such violence or who are at risk of further domestic violence. 45 C.F.R. §260.52 The proposed rule fails to include the third requirement and should be amended accordingly.

3. DWD 12.16(4)(c) sets standards for extension of the time limits in W-2 transition cases. This section should be amended to include a provision that all cases nearing the 24 month time limit should be reviewed to insure that appropriate screenings and assessments were conducted and that the activities assigned and supports provided were appropriate based on the assessment. If a screening and assessment, as defined in the rule, were not conducted, the activities assigned were not appropriate, and/or needed services or supports were not provided an extension should be granted. The rule should clearly state that a history of non-participation is not a bar to an extension. To simplify matters the criteria found in DWD 12.09(a), pertaining to extension of the 60-month limit, could be adopted with the above addition.

4. Miscellaneous amendments to conform with §504 of the Rehabilitation Act and ADA requirements:

- (a) DWD 12.05 W-2 agency responsibilities - a section should be added to include compliance with §504 of the Rehabilitation Act and the ADA.
- (b) DWD 12.16(2)(e) and (3)(e) related to time limits for trial jobs and community services jobs - a provision should be added to provide that an extension should be granted if the required screening, assessment and/or services were not provided.
- (c) DWD 12.16 related to the work categories. As currently described, and applied by FEPs, persons with disabilities are not placed in CSJ's and trial jobs. Nor are supports available to assist with the transition to unsubsidized employment. The rule should be amended to clarify that a individual with a disability or family member with a disability can be placed in any category and that necessary supports, services and accommodations must be provided to allow him or her to successfully participate in that category.

- (d) DWD 12.20 - related to the determination of good cause for non-participation. Similar to the extension criteria, a section should be added requiring a finding of good cause if the required screening, assessment and/or plan (with services, supports and accommodations) were not provided. The rule should make it clear that written notice of good cause (i.e. medical excuses etc.) is not required, especially when a chronic condition exists and absences can be anticipated
- (e) DWD 12.18(1)(b) and (c) and 12.21 related to sanctions and strikes. These sections should be amended to provide that no sanction or strike should be imposed unless the agency has determined that a screening and assessment has been conducted and a plan developed in accordance with state rules.

Chapter 17

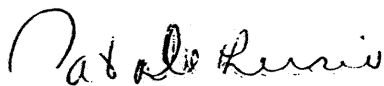
1. DWD 17.02(3) - case-management should be defined to include the screening, assessment and employability plan requirements discussed above.
2. DWD 17.02 - the definition of experienced FEP should refer to the background requirements for FEPs (keeping in mind the requirements of case-management) and should delineate the training requirements to insure the knowledge and ability to serve persons with disabilities and family members with disabilities, domestic violence victims and persons with substance abuse problems.
3. DWD 17.02(8) the definition of a FEP should include a reference to case-management functions as defined in Chapter 12 (as discussed above) and required by the ADA and §504 of the Rehabilitation Act.
4. DWD 17.02(14m) - the definition of resource specialist should be amended to provide that he or she performs the screening as defined in Chapter 12.
5. DWD 17.06 and 17.07 - these sections should be amended to provide that the curriculum shall include training that allows FEP's to identify, by using properly validated tools and other methods, individuals who may have a disability, are victims of domestic violence, or who suffer from substance abuse and to have the skills to develop employability plans as defined in Chapter 12 (discussed above) and as

required by §504 of the Rehabilitation Act and the ADA. Similarly a Resource Specialist must be trained to use properly validated screening tools and be knowledgeable about the requirements of federal disability law. Comparable training should only be allowed if it conforms with these requirements.

DWD has, through the advisory committee, expressed a desire to improve services to W-2 applicants and participants and their families. It is well aware of the deficiencies in the current system. The proposed rule amendments should be broadened to ensure that DWD's commitment to improvement is clearly stated and becomes a reality.

Your consideration of these comments is appreciated.

Very truly yours,



Patricia DeLessio
Attorney at Law

PDL/eca

cc: Jennifer Reinert, Secretary, DWD
Howard Bernstein, Office of Legal Counsel

**DEPARTMENT OF WORKFORCE DEVELOPMENT
TESTIMONY ON CR 02-050**

**SENATE COMMITTEE ON LABOR AND AGRICULTURE
October 30, 2002**

Good afternoon, Chairperson Hansen and committee members. I am Mary Rowin, Deputy Administrator of the Division of Workforce Solutions, Department of Workforce Development. With me today is Dianne Reynolds, Section Chief of the Program Planning and Development Section

I am testifying in support of the proposed W-2 rule. The proposed rule strengthens the requirements related to screening and assessing W-2 participants. The rule implements:

- Changes prescribed in 2001 Wisconsin Act 16 related to W-2 agency screening for domestic abuse;
- A requirement that W-2 agencies administer a functional screening process developed by the Department. In addition to domestic abuse, this comprehensive functional screen will screen for substance abuse, mental health issues, learning disabilities, physical limitations and traumatic brain injuries;
- New training requirements for resource specialists which includes six hours of training on domestic abuse awareness and revised training requirements for Financial and Employment Planners (FEPs) which include 12 hours of training on domestic abuse awareness. In addition, W-2 agency workers who administer the screening tool must complete training related to administering the tool; and
- Training requirements for W-2 workers and income maintenance workers are now in two different chapters to reflect the deletion of W-2 from the statutory definition of income maintenance.

The screening process outlined in the proposed rule will occur following placement into a W-2 employment position during the initial employability planning process for new W-2 participants and during the next review or change in a W-2 placement for ongoing participants. A W-2 agency could also administer the screening to a participant at any time that he or she requests it or if the agency worker has reason to believe that a disability or personal limitation is affecting the participant's ability to work. The participant will have the right to decline the screening without penalty of case closure or sanction.

The screening process is important because the Federal Temporary Assistance for Needy Families (TANF) and State Wisconsin Works (W-2) programs require that employment barriers are identified and needs are addressed early on in an individual's participation. This is particularly important because of the 24 and 60 month time limits and the need to move individuals to self-sufficiency as quickly as possible.

The FEPs will be able to:

1. Use the results of the screening process to refer individuals who are at-risk of significant personal barriers to appropriate service providers for a formal assessment; and
2. Use the results of the formal assessment to make needed adjustments to the employability plan, such as a change in the W-2 placement and the provision of necessary accommodations at the work site.

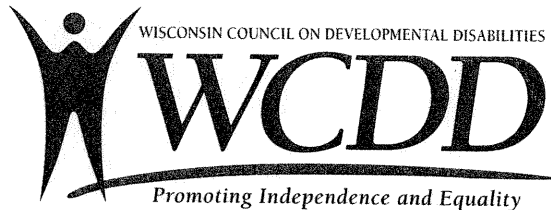
If a W-2 agency identifies an individual as a past or present victim of domestic abuse or determines that the individual is at risk of domestic abuse, the W-2 agency will provide the individual with information on community-based domestic abuse services. If the individual elects to receive counseling or supportive services, the agency will provide the appropriate community-based referrals.

In developing the proposed rules the Department worked with advocates and W-2 agency representatives. The Department held a public hearing on May 13, 2002, to solicit public comment on these rules. Modifications were made to the rules in response to these comments.

I will be happy to answer any questions you may have about these rules. Thank you.

→ What sorts of concerns:

- When does the screening/assessment take place.
- identified the need to do more systematic screening in early 2001.
- Domestic abuse questions were scaled back.



Date: October 30, 2002

To: Senator David Hansen, Chair, and Members
Senate Committee on Labor and Agriculture

From: Barbara Lyons, Chair

Re: Proposed Rule Changes for W-2 Program: Clearinghouse Rule 02-5

The Wisconsin Council on Developmental Disabilities supports the efforts of the Department of Workforce Development to address applicant screening and staff training needs regarding disability. The proposed rule changes are a good first-step towards addressing the needs of applicants with disabilities; however, modifications are needed to ensure the rules achieve the intended goals.

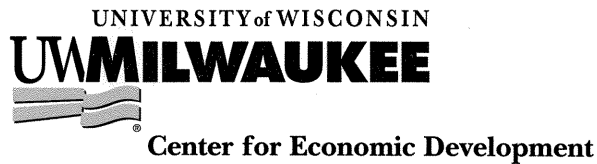
The Council strongly supports screening applicants for disabilities. The rule must ensure that the screening tool is proven reliable and valid and that only well-trained staff administer the tool. Screening applicants to determine if any family members under the applicants' care have disabilities is also a strong concern of the Council. Caregivers face many barriers to employment outside their control, especially when the employment situation is inflexible. If the W-2 agencies truly wish to assist people to obtain employment, the agencies must recognize and accommodate the barriers faced by caregivers.

The Council questions how many participants were labeled "non-compliant" when the participants' disabilities prevented compliance. If W-2 agencies make a good-faith effort to understand and accommodate participants' disabilities, compliance rates should increase and more people will actually be helped.

The Council supports modifying the proposed rules to ensure that W-2 agencies always provide reasonable accommodations specific to the needs of applicants and participants. All W-2 staff must understand how disabilities may create barriers to participation and that it is their obligation to develop a plan to address those barriers. In many cases, W-2 agencies may have to exempt participants from some work activities or modify the activities. It is extremely important that W-2 staff are trained to understand that providing exemptions and modifications is not facilitating non-compliance or failure, but is recognizing and accommodating the participant's situation. In particular, extensions must be provided to any W-2 client who has not been screened and provided with appropriate accommodations based on the results of the screening.

The Council is thankful the Department recognizes that W-2 agencies need to accommodate applicants' disabilities. With some modifications, the Council is confident the rules will help agencies meet the goals of assisting applicants with families become self-sufficient.

If you have any questions about this testimony, please contact Jennifer Ondrejka, Executive Director, at 608/266-1166 or ondrejkm@dhfs.state.wi.us. Thank you for your consideration.



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Testimony before Senate Committee on Labor and Agriculture
Wednesday, October 30, 2002

Good morning, my name is Pamela Fendt. I am a policy analyst at the Center for Economic Development at UW Milwaukee, and the academic research representative to the W-2 Monitoring Task Force of the Milwaukee County Board of Supervisors. I would like to thank the Committee for holding this hearing on the rules related to screening and assessment and other issues within W-2.

The W-2 Task Force has followed developments related to W-2 in Milwaukee County since the beginning of the program. We have heard many troubling accounts of clients who did not receive appropriate services or any services at all. I served on an Advisory Panel convened by DWD Sec. Alexander to discuss issue related to W-2 service delivery in Milwaukee County. The need for uniform screening and assessment procedures within W-2 was an issue of great importance to members of the Advisory Panel.

Unfortunately the track record on this matter can be summed up as "a day late and a dollar short."

The audit of W-2 released in April 2001 found the provision of Disability Assessments in 2000, for example, ranged from 0 to just 35% of the caseload, despite numerous reports that large proportions of welfare recipients have disabling conditions.

The provision of formal and informal assessments is currently being measured in the performance standards within the W-2 contracts. Information obtained earlier this month shows that 35 of 67 agencies (52%) are failing to provide the required level of formal assessment of W-2 clients. Implementation of a universal screening tool agreed to by the Department has again been postponed, now with a proposed start date of next spring. The W-2 program is five years old, and the delays to implementing these required safeguards should not be tolerated.

We therefore applaud the development of these rules related to screening and assessment in W-2, but do wish to register these concerns that we hope the Committee will take into consideration for any modifications they may decide to make to the proposed rules.