



Jan. 8, 2018

Hon. John Gore
Acting Assistant Attorney General for Civil Rights
U.S. Department of Justice
950 Pennsylvania Ave., NW
Washington, DC 20530

Dear Acting Assistant Attorney General Gore:

The undersigned members and allies of the Consortium for Citizens with Disabilities (CCD) and the Collaboration to Promote Self Determination (CPSD) write to express concern about the Justice Department's recent withdrawal of a number of guidance and technical assistance documents concerning the Americans with Disabilities Act (ADA). CCD is the largest coalition of national organizations working together to advocate for federal public policy that ensures the self-determination, independence, empowerment, integration, and inclusion of children and adults with disabilities in all aspects of society. CPSD is a collaboration of national organizations representing people with disabilities and their family members advocating for major systemic reform of the nation's disability laws and programs so people with disabilities can become employed, earn competitive wages, live independently in inclusive communities, and rise out of poverty.

On December 21, 2017, the Department rescinded its "Statement on Application of the Integration Mandate of Title II of the Americans with Disabilities Act and *Olmstead v. L.C.* to State and local Governments' Employment Service Systems for Individuals with Disabilities," as well as nine other ADA technical assistance documents. The Statement, which was issued in 2016, described the obligations of states to administer their employment services for people with disabilities in the most integrated setting appropriate. Evidence-based supported employment services help people with disabilities secure and maintain competitive, integrated employment. They are critical to achieving the ADA's goals of independent living and economic self-sufficiency. The Statement reflected already established law in an area that is a top priority for the disability community – employment of people with disabilities.

We are extremely concerned about the withdrawal of this guidance document. While as the Department notes, the withdrawal "does not change the legal responsibilities of State and local governments under title II of the ADA, as reflected in the ADA, its implementing regulations,

and other binding legal requirements and judicial precedent, including the U.S. Supreme Court's Olmstead decision," we are concerned that it sends the wrong signal to public entities and employment service providers about what is necessary to comply with the ADA's integration mandate with respect to employment services. Indeed, some groups have incorrectly described the withdrawal as eliminating the applicability of the integration mandate to employment services. We are also concerned about whether the withdrawal of this guidance reflects a diminished concern by the Justice Department with ensuring that public entities provide employment services that allow people with disabilities to work in competitive integrated employment.

The vast majority of people with disabilities and their families want opportunities for competitive integrated employment. Most employment service providers are working to change their business models away from sheltered work and other segregated settings to competitive integrated employment, and almost all states have embraced an "employment first" approach reflecting that shift. The Department's guidance was consistent with the priority the disability community has placed on enforcement of their civil right to work alongside and with the same conditions as their peers without disabilities. We urge the Department to continue its commitment to expanding competitive integrated employment opportunities for all people with disabilities as a critical way to fulfill the ADA's goals of integration, independence, and economic self-sufficiency.

We are also concerned about the process by which the Department announced that it was withdrawing nine other technical assistance documents relating to the ADA. We were troubled to see so many documents suddenly withdrawn and removed from the Department's website, with little explanation of the reasons for doing so. Guidance documents are important tools to educate all stakeholders about the requirements of the law in a clear fashion, and the withdrawal of these guidance documents in this manner has created confusion and misunderstanding.

Government transparency is critically important. If the Department plans to rescind, modify or replace any guidance or technical assistance documents in the future, we request that you ensure transparency and opportunities for public input in the process. For example, we believe the Department should provide advanced public notice before withdrawing or modifying such guidance documents, and an opportunity for stakeholders to provide input. If the Department is withdrawing a guidance document because it is out of date, it should explain the specific ways in which the document is outdated, and if it has been superseded by later guidance documents, the Department should explain that and provide a link to those later documents. In addition, the Department should create an online archive of guidance documents that have been withdrawn or modified, so that the public can access those documents and understand what changes have been made and why.

Thank you for consideration of this very important matter. We would welcome the opportunity to discuss our concerns further. You can contact Jennifer Mathis, CCD Rights Task Force Co-chair (jenniferm@bazelon.org) or Alison Barkoff, CPSD Policy Advisor (abarkoff@cpr-us.org) with any questions or to follow up on our letter.

Sincerely,

Access Living (Illinois)
Achievement Services
ADAPT Montana
ADAPT of Texas
Advocacy Center of Louisiana
The Advocacy Institute
The Advocrat Group
AIDS United
Alabama Disabilities Advocacy Program
American Association of People with Disabilities
American Association on Health and Disability
American Association on Intellectual and Developmental Disabilities
American Civil Liberties Union
American Council for the Blind
American Dance Therapy Association
American Foundation for the Blind
American Music Therapy Association
American Network of Community Options and Resources (ANCOR)
American Psychological Association
A Philip Randolph Institute
The Arc of Indiana
The Arc of Mississippi
The Arc of Nebraska
The Arc of the United States
The Arc of Washington
The Arc Wisconsin
Arizona Center for Disability Law
Association of Assistive Technology Act Programs
Association of People Supporting Employment First (APSE)
Association of Programs for Rural Independent Living
Association of University Centers on Disabilities
Atlas Techknowledgy (Virginia)
Autism Society of America
Autistic Self Advocacy Network
Bazelon Center for Mental Health Law
Big Tent Coalition of Kansas
Boston Center for Independent Living
California Down Syndromes Advocacy Coalition
California Foundation for Independent Living Centers
California State Council on Developmental Disabilities
Center for Independence of Individuals with Disabilities
Center for Living and Working (Worcester, MA)
Center for Public Representation
Center for Reproductive Rights

CenterLink: The Community of LGBT Centers
Christopher and Dana Reeve Foundation
Clark County Developmental Disabilities Advisory Board
Colorado Association of People Supporting EmploymentFirst
Colorado Cross-Disability Coalition
Community Access
Community Legal Aid Society, Inc. (Delaware)
Community Vision
Connecticut Legal Rights Project
Council of Administrators of Special Education
Council for Learning Disabilities
The Daniel Initiative
Daybreak4Deaf, Inc.
Dayle McIntosh Center
DC Metro ADAPT
Disability Action for America
Disability Law Center of Alaska
Disability Law Center, Massachusetts P&A
Disability Law Center of Utah
disAbility Law Center of Virginia
Disability Law Colorado
disABILITY LINK (Georgia)
Disability Policy Consortium of Massachusetts
Disability Power and Pride
Disability Rights Arkansas
Disability Rights California
Disability Rights Center of Kansas
Disability Rights Center—New Hampshire
Disability Rights Connecticut
Disability Rights Education and Defense Fund
Disability Rights Florida
Disability Rights Idaho
Disability Rights Iowa
Disability Rights Legal Center
Disability Rights Maine
Disability Rights Maryland
Disability Rights Mississippi
Disability Rights Montana
Disability Rights Nebraska
Disability Rights New Jersey
Disability Rights New Mexico
Disability Rights New York
Disability Rights North Carolina
Disability Rights Ohio
Disability Rights Pennsylvania
Disability Rights South Dakota

Disability Rights Tennessee
Disability Rights Texas
Disability Rights Vermont, Inc.
Disability Rights Washington
Disability Rights of West Virginia
Disability Rights Wisconsin
Disabled Queers in Action
Down Syndrome Connection of the Bay Area
Employment Law Group, PLLC (Parkersburg, WV)
Epilepsy Foundation
Equality California
Equip for Equality
FORGE, Inc.
Freedom Resource Center for Independent Living, Inc. (North Dakota).
Georgia ADAPT
Georgia Advocacy Office
Gould Farm
Government Information Watch
Governor's Committee on Disability Issues and Employment (Washington)
Governor's Council on Disabilities and Special Education (Alaska)
Hawaii State Council on Developmental Disabilities
Helping Educate to Advance the Rights of Deaf communities (HEARD)
Independence *First* Milwaukee Wisconsin
Independent Living Center of the Hudson Valley
Indiana APSE
Indiana Disability Rights
Indiana Governor's Council for People with Disabilities
Interhab (Kansas)
Institute for Educational Leadership
Jewish Federations of North America
Jo Anne Simon, P.C. (Brooklyn, NY)
Job Squad, Inc.
Justice in Aging
KanCare Advocates Network
Kansas ADAPT
Kansas Advocates for Better Care
Kansas APSE
Kansas Council on Developmental Disabilities
The Kansas Developmental Disabilities Coalition
Kansas Developmental Disability Policy Consortium
Kentucky Protection & Advocacy Division
Lakeshore Foundation
Law Office of Ellen Saideman (Barrington, RI)
Law Office of Lainey Feingold (Berkeley, CA)
Leadership Conference for Civil and Human Rights
Learning Disabilities Association of America

Lisa P. Golan, Attorney at Law (Norcross, GA)
Living Independence Network Corp. (Idaho)
Louisiana Developmental Disabilities Council
Lutheran Services in America—Disability Network
Maine APSE
Maryland Developmental Disabilities Council
Massachusetts Developmental Disabilities Council
Mental Health America
Michigan Protection & Advocacy Service, Inc.
Mid-Minnesota Legal Aid/Minnesota Disability Law Center
Minnesota APSE
Minnesota Statewide Independent Living Council
Mississippi APSE
Missouri APSE
Missouri Developmental Disabilities Council
Montana Council on Developmental Disabilities
NAACP
National Academy of Elder Law Attorneys
National Alliance on Mental Illness
National Association of Councils on Developmental Disabilities
National Association of County Behavioral Health and Developmental Disability Directors
National Association of Nurses with Disabilities
National Association of Rights Protection and Advocacy
National Association for Rural Mental Health
National Association of State Directors of Developmental Disabilities Services
National Association of State Directors of Special Education
National Association of State Head Injury Administrators
National Center for Environmental Health Strategies, Inc.
National Center for Learning Disabilities
National Center for Transgender Equality
National Coalition for Asian Pacific American Community Development
National Coalition for Latinxs with Disabilities
National Coalition for Mental Health Recovery
The National Council for Incarcerated and Formerly Incarcerated Women and Girls
National Council on Independent Living
National Disability Institute
National Disability Rights Network
National Down Syndrome Congress
National Federation of the Blind
National Health Law Program
National Housing Law Project
The National Leadership Consortium
National LGBTQ Task Force
National Low Income Housing Coalition
National Multiple Sclerosis Society
National Partnership for Women and Families

National Rehabilitation Association
Native American Disability Law Center
Nebraska Planning Council on Developmental Disabilities
Nebraska Statewide Independent Living Council
NELA-GA
Nevada Governor's Council on Developmental Disabilities
New York Association on Independent Living
New York Association of Psychiatric Rehabilitation Services
North Carolina Council on Developmental Disabilities
North Dakota State Council on Developmental Disabilities
Not Dead Yet
Oklahoma Developmental Disabilities Council
Oregon Council on Developmental Disabilities
Paralyzed Veterans of America
Partnership for Inclusive Disaster Strategies
People First of Georgia
Personal Attendant Coalition of Texas
PolicyLink
Protection and Advocacy for People with Disabilities, Inc. (South Carolina)
Protection & Advocacy Project (North Dakota)
Quality Trust for Individuals with Disabilities
Rainbow PUSH Coalition
Respectability
REV UP Texas
Rhode Island Disability Law Center
School Social Work Association of America
Silicon Valley Independent Living Center
Statewide Independent Living Council of Alaska
Smart Policy Works
Southern Poverty Law Center
Stavros Center for Independent Living
Syntiro
TASH
Tennessee Council on Developmental Disabilities
Texas Council for Developmental Disabilities
Texas Down Syndrome Advocacy Coalition
Topeka Independent Living Resource Center
Transformative Justice Coalition
Treatment Communities of America
Union for Reform Judaism
United Spinal Association
URGE: Unite for Reproductive and Gender Equity
University Center for Developmental Disabilities, Munroe-Meyer Institute for Genetics and Rehabilitation, University of Nebraska Medical Center
Utah Developmental Disabilities Council
Vermont Developmental Disabilities Council

Virgin Islands Developmental Disabilities Council, Inc.
Virginia APSE
Virginia Board for People with Disabilities
West Virginia Developmental Disabilities Council
Wisconsin Board for People with Developmental Disabilities
Wisconsin Coalition of Independent Living Centers
Women Who Never Give Up, Inc.
Woodsmall Law Group, P.C.