


**TEXAS WORKFORCE COMMISSION**  
**Workforce Development Letter**

<b>ID/No:</b>	WD 01-25
<b>Date:</b>	April 30, 2025
<b>Keywords:</b>	ES; Equal Opportunity; NCP Choices; SNAP E&T; TANF/Choices; WIOA
<b>Effective:</b>	Immediately

**To:** Local Workforce Development Board Executive Directors  
Commission Executive Offices  
Integrated Service Area Managers

  
**From:** Mary York, Director, Workforce Development Division

**Subject: Prohibition Against Discrimination Based on Disability in the  
Administration of Workforce Services**

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**PURPOSE:**

The purpose of this WD Letter is to ensure that Local Workforce Development Boards (Boards) provide equal opportunity and access to all federally funded workforce services to individuals with disabilities.

**RESCISSIONS:**

WD Letter 24-01

**BACKGROUND:**

Section 504 of the Rehabilitation Act of 1973 prohibits discrimination on the basis of disability in programs and activities that either receive federal financial assistance or are conducted by a federal agency. Additionally, Title II of the Americans with Disabilities Act of 1990 (ADA) protects individuals with a disability from being excluded from participating in or benefitting from services or activities of a public entity by reason of that disability.

The U.S. Department of Health and Human Services (HHS) Office for Civil Rights (OCR) enforces Section 504 as well as other statutes that prohibit discrimination on the basis of disability. On August 27, 1999, the OCR issued guidance regarding civil rights laws and welfare reform, titled “Prohibition Against Discrimination on the Basis of Disability in the Administration of TANF,” which clarified how the OCR planned on evaluating discrimination prohibition compliance through reviews and investigations of disability discrimination complaints. This policy guidance was meant to supplement previously released OCR policies that explained how federal civil rights laws applied to certain aspects of welfare reform, including those that were funded under Supplemental Nutrition Assistance Program Employment and Training (SNAP E&T), Temporary

Assistance to Needy Families (TANF), and the Workforce Innovation and Opportunity Act (WIOA).

On September 14, 2023, HHS published a proposed rule to amend Title [45 Code of Federal Regulations \(CFR\) Part 84](#), Discrimination on the Basis of Disability in Programs or Activities Receiving Federal Financial Assistance ([88 Final Rule 63392](#)). In order to fulfill Congress' intent that Title II of the ADA and Section 504 be interpreted consistently, the final rule's provisions mirror provisions in Title II of the ADA. The rule was finalized on May 1, 2024, and became effective on July 8, 2024.

On April 24, 2024, the U.S. Department of Justice (DOJ) issued a final rule revising the regulation that implemented Title II of the ADA. The revisions aimed to establish requirements that included the adoption of specific technical standards to ensure that services, programs, and activities offered by state and local government entities are accessible to the public through web and mobile applications. Additionally, the revisions ensured individuals with disabilities could access important web content and mobile apps quickly, easily, independently, privately, and equally.

## **PROCEDURES:**

**No Local Flexibility (NLF):** This rating indicates that Boards must comply with the federal and state laws, rules, policies, and required procedures set forth in this WD Letter and have no local flexibility in determining whether and/or how to comply. All information with an NLF rating is indicated by “must.”

**Local Flexibility (LF):** This rating indicates that Boards have local flexibility in determining whether and/or how to implement guidance or recommended practices set forth in this WD Letter. All information with an LF rating is indicated by “may” or “recommend.”

**NLF:** Boards must comply with all federal civil rights laws and regulations, including nondiscrimination and equal opportunity requirements for individuals with disabilities.

**NLF:** Boards must not discriminate against individuals with disabilities as required in [29 CFR §38.12](#).

**NLF:** Boards must ensure that Equal Opportunity Officers review nondiscrimination policies and procedures and conduct training as required in [29 CFR §38.31](#).

**NLF:** Boards must appoint a Section 504 coordinator as required by [WD 01-15, Change 1](#), issued October 13, 2017, and titled “Equal Opportunity Officers and Section 504 Coordinators—Update.”

**NLF:** Boards must not deny benefits, exclude from participation, or otherwise discriminate against any individual with a disability under any federally funded program or activity because facilities are inaccessible to or unusable by individuals with disabilities as required in [29 CFR §38.13](#).

**NLF**: Boards must provide reasonable accommodations to individuals with disabilities who are seeking federally funded workforce services as required in [29 CFR §38.14](#), unless providing the accommodation would cause undue hardship to the Board.

**NLF**: Boards must take appropriate steps to ensure communications with individuals with disabilities, their companions, and members of the public are as effective as communications with others as required in [29 CFR §38.15](#), and comply with [28 CFR 35.200](#).

**NLF**: Boards must modify its policies, practice, or procedures to permit the use of a service animal by an individual with a disability as required in [29 CFR §38.16](#).

**NLF**: Boards must permit individuals with mobility disabilities to use wheelchairs and manually-powered mobility aids, such as walkers, crutches, canes, braces, or other similar devices designed for use by individuals with mobility disabilities, in any areas open to pedestrian use as required in [29 CFR §38.17](#).

#### **INQUIRIES:**

Send inquiries regarding this WD Letter to [wfpolicy.clarifications@twc.texas.gov](mailto:wfpolicy.clarifications@twc.texas.gov).

#### **REFERENCES:**

Title II [Americans with Disabilities Act of 1990](#)

[Rehabilitation Act of 1973 §504](#)

[Workforce Innovation and Opportunity Act of 2014 §188](#)

[28 CFR Part 35](#), Nondiscrimination on the Basis of Disability in State and Local Government Services

[28 CFR 35.200](#), Web and Mobile Accessibility

[29 CFR Part 32](#), Nondiscrimination on the Basis of Handicap in Programs or Activities Receiving Federal Financial Assistance

[29 CFR Part 32, Subpart C](#), Accessibility

[29 CFR §38.12](#), Discrimination Prohibited Based on Disability

[29 CFR §38.13](#), Accessibility Requirements

[29 CFR §38.14](#), Reasonable Accommodations and Reasonable Modifications

[29 CFR §38.15](#), Communications with Individuals with Disabilities

[29 CFR §38.16](#), Service Animals

[29 CFR §38.17](#), Mobility Aids and Devices

[29 CFR §38.31](#), Equal Opportunity Officer Responsibilities

[29 CFR §38.4\(rrr\)\(1\)\(i\)](#), Undue Hardship definition

[29 CFR §38.4\(yy\)](#), Reasonable Accommodation definition

[45 CFR Part 84](#), Nondiscrimination on the Basis of Disability in Programs or Activities Receiving Federal Financial Assistance

[Prohibition Against Discrimination on the Basis of Disability in the Administration of TANF](#)