



December 26, 2017

**Statement of Consortium for Citizens with Disabilities Rights Task Force and  
Collaboration to Promote Self-Determination on Withdrawal of Justice Department  
Guidance on the ADA's Integration Mandate and Employment Services**

On December 21, the U.S. Department of Justice rescinded its Statement on Application of the Integration Mandate of Title II of the Americans with Disabilities Act and *Olmstead v. L.C.* to State and local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. The statement, which was issued last year, 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.

We are extremely concerned about the withdrawal of this guidance document, both because it sends the wrong signal to public entities that are seeking to comply with the ADA and because it may reflect a diminished concern with the importance of providing employment services in the most integrated setting. As the Justice Department notes, withdrawal of this guidance "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." The Statement reflected already established law, and its withdrawal does nothing to change that law, existing settlement agreements, or prior Justice Department findings letters about the application of the ADA's integration mandate and *Olmstead* to employment systems.

The vast majority of people with disabilities and their families want opportunities for competitive integrated employment. Most employment service providers, in response to best practices, federal law, and DOJ Guidance, are working to change their business models away from sheltered work 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 rights to work alongside and with the same conditions as their peers without disabilities.

We are committed to expanding opportunities for all people with disabilities to have opportunities to work alongside their non-disabled peers for competitive wages and fulfill the ADA's goals of integration, independence and economic self-sufficiency. We urge the Justice Department to remain committed to these goals as well.

We are also concerned about the process by which the Department announced that it is withdrawing nine other technical assistance documents on the same day. While some of these documents were outdated, government transparency is critically important. We were concerned to see so many documents suddenly withdrawn 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 some of these guidance documents may create confusion and misunderstanding.

*The Consortium for Citizens with Disabilities (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. Contact for the CCD Rights Task Force is Jennifer Mathis, Bazelon Center for Mental Health Law, [jenniferm@bazelon.org](mailto:jenniferm@bazelon.org).*

*The Collaboration to Promote Self Determination (CPSD) is a collaboration of national organizations representing people with disabilities and their families committed to educating Congress and federal agencies about what people with disabilities need to rise out of poverty and live more independently. We advocate 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. Contact for CPSD is Alison Barkoff, Center for Public Representation, [abarkoff@cpr-us.org](mailto:abarkoff@cpr-us.org).*