

**COMMENTS ON PROPOSED REVISIONS
TO PART 1624 OF THE LSC REGULATIONS**

PROHIBITION AGAINST DISCRIMINATION ON THE BASIS OF DISABILITY

**SUBMITTED BY
THE CENTER FOR LAW & SOCIAL POLICY
ON BEHALF OF
THE NATIONAL LEGAL AID AND DEFENDER ASSOCIATION**

June 21, 2006

These comments are submitted to the Legal Services Corporation (LSC) by the Center for Law and Social Policy (CLASP) on behalf of the National Legal Aid and Defender Association (NLADA). NLADA is a membership organization that represents civil legal services programs, including those funded by LSC. CLASP serves as counsel to NLADA.

On May 12, 2006, LSC published a Notice of Proposed Rulemaking (NPRM) in the *Federal Register* (71 FR 27654) for Part 1624 of the LSC regulations (Prohibition Against Discrimination on the Basis of Disability). The NPRM seeks comments on the proposal to amend the rule. Comments are due by June 26, 2005.

The NPRM proposed very modest changes to the current rule, among other things, to update its terminology, add a reference to the Americans with Disabilities Act (ADA) which was enacted after Part 1624 was originally adopted, remove an obsolete provision, and add language on LSC's enforcement policies and practices in responding to complaints alleging discrimination based on disability. We acknowledge and appreciate that the NPRM would not add any substantive new requirements or any new administrative burdens on LSC recipients.

The proposed changes were made largely in response to the issues that were raised during the December 2005 rulemaking workshop that LSC convened

the text of the rule when it is printed in the Code of Federal Regulations (“CFR”)), it may be appropriate to include a more definitive and less qualified statement of LSC enforcement policy within the text of the rule. Thus, as an alternative to inclusion of the proposed language in the preamble, we propose that LSC include the following language in the text of the rule:

§1624.7-- LSC will promptly refer a complainant who alleges a violation that appears to fall within the scope of this Part to the appropriate Federal, state or local agency or agencies with authority to investigate discrimination on the basis of disability. Pending completion of such other agency’s investigation, LSC may also investigate the complaint. As part of its investigation, LSC may also use such agency’s findings, conclusions or information that the other agency makes available to LSC.

If you have any questions about these comments, please feel free to contact our counsel, Linda Perle, at 202-906-8002 or lperle@clasp.org.