



**STATE OF DELAWARE**  
**STATE COUNCIL FOR PERSONS WITH DISABILITIES**  
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The Honorable John Carney  
Governor

John A. McNeal  
Director

**MEMORANDUM**

DATE: February 24, 2020

TO: Ms. Nicole Cunningham, DSS  
Planning & Policy Development Unit

FROM: J. Todd Webb – Chairperson  
State Council for Persons with Disabilities

RE: 23 DE Reg. 619 [DSS Proposed Regulation on SNAP Employment and Training (February 1, 2020)]

The State Council for Persons with Disabilities (SCPD) has reviewed the Division of Social Services' (DSS') proposed regulation that seeks to update the definitions section of the DSSM related to the Employment and Training Program of the SNAP program, Section 10001.1. The proposed regulation was published as 23 DE Reg. 619 in the February 1, 2020 issue of the Register of Regulations. SCPD has the following observations and recommendations.

The proposed regulation adds some terms, such as ABAWD (able bodied adult without dependents) and eliminates some terms that are outdated. From a disability perspective, the only definition that may be problematic is the one for "good cause," which is defined in the proposed regulation as "an adequate or substantial reason why an individual has not taken an action." Good cause is further defined later in the existing regulations in §10004.2. The list of actions that might support good cause in §10004.2 does not include any reasons related to need for accommodations or other disability-related issues; the list also does not include any matters related to impediments related to being a victim of domestic violence.

DSS has steadfastly refused to include disability related reasons to its definitions of good cause. SCPD commented last year on several DSS regulations that failed to list or elaborate on the requirement that DSS make reasonable accommodations for participants with disabilities in all facets of its programs. The requirement to make accommodations is independent from exemptions from the work program that may be available to

individuals with disabilities. SCPD is requesting once again that DSS incorporate the requirement that it make reasonable accommodations for participants with disabilities as part of good cause determinations.

Thank you for your consideration and please contact the SCPD if you have any questions regarding our observations or recommendations on the proposed regulation.

cc: Mr. Ray Fitzgerald, DSS  
Mr. Thomas Hall, DSS  
Laura Waterland, Esq.  
Ms. Deborah Yancey, State ADA Coordinator  
Governor's Advisory Council for Exceptional Citizens  
Developmental Disabilities Council

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