

August 9, 2017

Ms. Hilary Malawer
Assistant General Counsel, Office of the General Counsel
U.S. Department of Education
400 Maryland Ave SW., Room 6E231
Washington, DC 20202
Via electronic submission at <http://www.regulations.gov>

Re: Docket ID: ED-2017-OS-0074

Dear Ms. Malawer:

Our comment is in regards to regulations and sub-regulatory guidance issued by the U.S. Department of Education (DoEd), Rehabilitation Services Administration (RSA) for the purpose of implementing the integrated settings criteria under the definition of competitive integrated employment [34 CFR §361.5(c)(9)(ii) and 361.5(c)(32)(ii)] in the Workforce Innovation and Opportunity Act. These regulations and guidance are having an unintentional, but deleterious, job-killing impact for people with significant disabilities. Specifically, RSA's guidance is indiscriminately disqualifying vocational rehabilitation job placements to certain nonprofit agencies (NPAs) based upon their participation in the congressionally-mandated U.S. AbilityOne Program.

The language in the integrated settings criteria promulgated by RSA restricts access to quality competitive integrated jobs for people with disabilities and is inconsistent with other parts of the regulation, the department's longstanding practice and technical guidance. My state's vocational rehabilitation (VR) agency is one of at least 19 states VR that have stopped referring and placing individuals with disabilities through NPAs that participate in the AbilityOne Program.

Rappahannock Goodwill Industries, Inc. is an NPA participating in the AbilityOne Program and creates 163 jobs for persons with severe disabilities, or 76% of our AbilityOne workforce. Most of these employees are earning in excess of \$20,000 per year with benefits. Because referrals and placements from state vocational rehabilitation counselors have ceased such family sustaining employment opportunities at my agency are going un-filled. Deserving individuals with significant disabilities are denied these opportunities and the ability to be a vital part of our community.

We request that the DoEd immediately rescinds the FAQ guidance (posted on DoEd's website, <https://www2.ed.gov/about/offices/list/osers/rsa/wioa/competitive-integrated-employment-faq.html>) related to the definition of integrated settings and issue clarifying guidance and that employment at community rehabilitation programs, including employment positions funded through the AbilityOne program, may be considered competitive integrated employment as long as it meets the criteria defined in RSA-TAC-06-01 and the WIOA (P.L. 113-128).

Thank you for the opportunity to comment on existing regulations that eliminate jobs, or inhibit job creation.

Sincerely,



Donald K. Tolson
President & CEO

