



200 Myrtle Street, New Britain, CT 06053 860.229.7700

August 10, 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:

CW Resources, Inc. has been providing employment, vocational training, and placement services to people with disabilities since 1964. Headquartered in New Britain, CT, we employ over 1,000 individuals with significant disabilities in meaningful and well-paying jobs throughout the country, many of whom are employed at military bases and prestigious government facilities as a direct result of the AbilityOne program.

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 stripping away the rights of people with disabilities by closing off meaningful and well-paying jobs 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.

In the absence of the AbilityOne program, many of the individuals we serve would not be employed or would be working in lower paying positions with minimal to no benefits. The unemployment rate for people with disabilities continues to be high, despite good intentions and various policies designed to increase employment. Eliminating and limiting job opportunities for any group of people, specifically for people with significant disabilities is unfair and disheartening.

The language in the integrated settings criteria promulgated by RSA not only restricts access to quality competitive integrated jobs for people with disabilities; it is inconsistent with other parts of the regulation, the department's longstanding practice and technical guidance. As an employer in a number of states, some of the vocational rehabilitation (VR) agencies are discounting any AbilityOne job which is problematic and can lead to unfilled positions.

We respectfully request that the DoEd immediately rescind 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). This is an Employment First approach which not only supports



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individual choice but will lead to the employment for many individuals with significant disabilities in the future.

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

Sincerely,

A handwritten signature in blue ink that reads 'Sandra M. Lavoy'.

Sandra M. Lavoy
Sr. VP of Community Rehabilitation Services