



Docket ID: ED-2017-OS-0074-0001

Assistant General Counsel Hilary Malawer, Esq.
Secretary of Education Betsy DeVos

To Whom It May Concern:

My name is Kasia Grzelkowski, and I am the President & CEO of a Virginia-based nonprofit called VersAbility Resources. VersAbility is a 64-year-old, \$44 million organization dedicated to the support of people with disabilities. More than half of our over 1,000 employees are people with disabilities, and while over 70% of Americans with disabilities are unemployed, our team successfully works every day to create more opportunities for employment for this untapped pool of talent within our population.

As we do so, at times we experience regulations which we believe go beyond legislative intent and unnecessarily impede our path to job placements for people with disabilities. That you for taking public comments on regulations and guidance. Our comments are related to regulations issued by the Rehabilitation Services Administration (RSA) regarding the Workforce Innovation and Opportunity Act (WIOA).

The text of WIOA seems to support our mission, and we had hoped that any regulations from RSA to enforce would follow suit. That said, we have the following problems with those regulations:

1. “Competitive Integrated Employment.” The definition of this qualifier (34 CFR §361.5(c)(9)) was rewritten during the regulatory process. The narrowing of what qualifies as CIE not only altered what Congress intended but needlessly eliminates types of employment through which citizens with disabilities and their families have found successful employment for decades. This definition should be eliminated and replaced with the definition in the WIOA statute until a broader, more expansive definition can be put in its place.
2. In both the definition of “competitive integrated employment” (CIE) and the definition of “integrated setting” (34 CFR §361.5(c)(32)), the Department describes integration occurring at the “work unit” level. This language is not found in the WIOA statute. It was made up in the regulatory process. Defining integration as occurring at the “work unit” level is job limiting and so subjective that it would be impossible to apply to the general workforce given that people with disabilities have every right to their privacy. It only targets people who work through providers of services to people with disabilities, which is inherently unfair and treats people with disabilities differently from the workforce at large. Moreover, as a simple matter of math, requiring a two-person crew currently employing two people with disabilities to be fully integrated would mean one person on the crew



would have to be without disabilities. In certain settings, we would have to fire employees with disabilities and hire people without disabilities to meet the definition. The narrow interpretations of CIE and integrated settings have ultimately diminished work opportunities for people with disabilities.

3. The Department should focus on expanding employment choice for people with disabilities, not further limiting it. People with disabilities want and deserve a full array of options. A definition that limits their menu of choices will not lead to further integration, but rather will reduce opportunities and cost people with disabilities their jobs.

People with disabilities and their families don't want this change. They didn't ask for this change. They wear shirts emblazoned with "Did You Ask Me?" and "My Job, My Choice." Please preserve the freedom of choice for these citizens. Please eliminate this bureaucratic over-regulation and restore the options that will allow us to find jobs for people with disabilities of all kinds and provide them with the dignity of work.

4. The Department RSA did not stop with the narrow interpretation of competitive integrated employment; they added a presumption that jobs falling under programs intended to employ people with disabilities would not qualify as an employment outcome under the law. RSA incorporated this message into FAQs that the RSA posted on January 18, 2017. It is also a message that RSA delivered to State Vocational Rehabilitation (State VR) offices. The January 18, 2017 FAQs represent a significant change of federal policy and turn the purpose of WIOA on its head. The FAQs are a carryover from the last administration that is costing people jobs. The Department should eliminate the FAQs and RSA should advise the State VR offices that AbilityOne jobs and State Set-Aside jobs presumptively do qualify as competitive integrated employment. In addition, the Department and RSA should advise State VR offices to take an expansive view as to what qualifies as competitive integrated employment. People with disabilities who want to work should be helped in every way possible to find work and, once hired, to remain attached to the workforce. There is dignity in work and, as with the rest of the workforce, the best way to find a job is to already have one.

Thank you very much for your consideration of these urgent matters.
Kind regards,

A handwritten signature in black ink that reads "Kasia Grzelkowski".

Kathryn "Kasia" Grzelkowski
President & CEO
VersAbility Resources