

August 7, 2017

Dear Members of the United State Department of Education Regulatory Reform Task Force:

I am writing to request your assistance in reviewing and revoking regulation and guidance, promulgated by USDOE during the last Administration, which is significantly negatively affecting job options for people with disabilities. The regulation and guidance unnecessarily, and we believe improperly, restricts quality employment and is inconsistent with the intent of Congress. I am the President & CEO of ServiceSource, headquartered in Oakton, Virginia. ServiceSource is a regional non-profit that serves over 25,000 people annually with a wide array of disabling conditions and employment and support needs. ServiceSource regularly uses the national AbilityOne Program to access quality employment opportunities so that people with disabilities can become gainfully employed.

My comments are specific to the below regulation and regulatory guidance contained within:

**Regulation ID:** ED-2015-OSERS-001-1167

**Date Posted:** Aug 19, 2016

**RIN:** 1820-AB70

**CFR:** 34 CFR Parts 361, 363, and 397

**Federal Register Number:** 2016-15980

The Workforce Innovation and Opportunity Act (WIOA), signed into law in 2014, was a bipartisan success intended to support individuals with disabilities to obtain competitive integrated employment.

Subsequent to the passage of WIOA, the USDOE/Rehabilitation Services Administration (RSA) began promulgating guidance concerning the implementation of WIOA. That guidance included what amounts to a regulatory “re-definition” of competitive integrated employment that is neither a part of the WIOA law nor does it reflect the intent of Congress.

The re-definition of competitive integrated employment targets the AbilityOne Program and participating non-profit agencies across the country as ineligible to be considered competitive integrated employment settings simply because they affirmatively hire persons with disabilities.

Moreover, the guidance being promulgated by the RSA strips persons with significant disabilities, who express an interest in becoming employed or are receiving supports to maintain employment, of state vocational rehabilitation support. The AbilityOne Program is the largest source of employment in the United States for individuals who are blind or have significant disabilities.

The employment settings that these individuals work within are among the most diverse settings in the country and include installations within all branches of the military and virtually every department and agency of the Federal government. AbilityOne employment includes full prevailing wages and benefits and significant promotional and outplacement opportunities.

This guidance and the understanding of the AbilityOne Program is simply wrong. ServiceSource is proud to be one of more than 550 non-profit businesses across the country who create jobs with our government partners in the AbilityOne Program and with private employers for persons with significant disabilities. ServiceSource has a 35-year history of participation in the AbilityOne Program and currently employs or facilitates the employment of more than 1,000 persons with significant disabilities in integrated AbilityOne employment settings in over 75 Federal installations. Nearly 70 percent of the persons employed came to our organization through the support and referral of state vocational rehabilitation.

Unfortunately, referrals from state vocational rehabilitation counselors have ceased in many states in which we operate, citing restrictive guidance from the RSA. Jobs are going un-filled and job creation for persons with the most barriers to employment is slowing dramatically as a result. Other non-profits across the country that participate in the AbilityOne Program are reporting similar impacts. In fact, since this change in definition became effective in September 2016, state vocational rehabilitation agencies in 20 states are no longer making referrals for employment within AbilityOne settings.

We greatly support this Administration's common sense approach to identifying and removing job-stifling regulations. Although the balance of the regulations contained in ED-2015-OSERS-001-1167 are not at issue, this singular re-definition of competitive integrated employment causes serious harm to job seekers with significant disabilities and job creating organizations across the country. We hope you will rescind RSA's improper re-definition of competitive integrated employment and require strong direction to the field restoring previous definition, guidance and practice.

I would be pleased to speak more with the members of the Task Force should you require further information. I can be reached at: Janet.Samuelson@servicesource.org or at 703-461-6000.

Thank you for your consideration.

Sincerely,

Janet Samuelson  
President/CEO