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August 22, 2017

The Honorable Betsy DeVos
Secretary
United States Department of Education
400 Maryland Avenue, SW
Washington, DC 20202

Hilary Malawer
Assistant General Counsel
Office of the General Counsel
United States Department of Education
400 Maryland Avenue SW, Room 6E231
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Ref: Comments on Federal Regulations
Docket ID: ED-2017-OS-0074
82 FR 28431 (June 22, 2017) and 82 FR 37555 (August 11, 2017)
Comment Closing Date: September 20, 2017

Dear Secretary DeVos:

The State of Missouri, Department of Social Services appreciates the opportunity to submit comment on the regulations of the United States Department of Education (USDOE) that may be appropriate for repeal, replacement, or modification.

The Missouri Department of Social Services, Family Support Division and its Rehabilitation Services for the Blind (DSS/RSB) is the agency of Missouri State Government responsible for providing coordinated rehabilitation services for Missouri's blind citizens. DSS/RSB is requesting the USDOE review and consider revisions to two regulations to provide States with the opportunity and maximum flexibility to develop and provide innovative services to the blind citizens of Missouri and other states.

1. Homemaker Exemption – 34 CFR §361.5(c)(15)

The DSS/RSB urges the USDOE to revise 34 CFR §361.5(c)(15) and other relevant regulations implementing the Workforce Innovation and Opportunity Act (WIOA) to reinstate the Homemaker Outcome to qualify for Vocational Rehabilitation services.

Before WIOA, blind and visually impaired individuals could qualify for Vocational Rehabilitation (VR) services, including independent living training as home makers. The USDOE exercised its discretion and recognized the value of homemakers by regarding it a

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successful “employment outcome” under §361.5(c)(15) even though homemakers were not being paid a direct wage. This outcome is consistent with the discretion that the Secretary has to establish and define appropriate employment outcomes.¹

The Homemaker Outcome had been considered a successful closure for the use of federal VR funds for many years. It not only allows the individual to become personally and economically self-sufficient, it recognizes the critical role that homemakers fulfill in the local and national economy. This is particularly important for individuals who are blind or visually impaired. Individuals who are blind rely on DSU’s/VR programs as a pathway towards achieving and/or regaining independence and economic self-sufficiency. Blind, newly blind and visually impaired individuals need to learn and master many skills that are essential to success in the home and the workplace. They must master braille and/or other information technology to access communication. They must learn and/or relearn basic living skills such as cooking, cleaning and home management. They must study and master the skills necessary to know where they are, how to get from place to place and how to function in a home and work environment. A critical first step in achieving this goal is to provide VR training and support to enable the individual to effectively manage their home. Achieving this level of self-sufficiency enables the individual to use those skills as a jumping off point into the competitive labor market. Individuals are required to be served in Independent Living or Independent Living Older Blind programs with no increase in program funding to support the additional clients and level of services offered under the VR program. Many working age individuals do not qualify for independent living services under the Older Individuals with Blindness Program.² Therefore, denying blind and visually impaired individuals of the opportunity to learn these skills deprives them of the opportunity to build the foundation for success and self-sufficiency upon which success in a competitive workplace is based.

2. *Competitive Integrative Employment Regulation – 34 CFR § 361.5(c)(9)*

DSS/RSB urges the USDOE to review the Competitive Integrative Employment regulation to give states who support blind and visually impaired individuals the flexibility to implement a wide range of training and employment opportunities through VR program. This should include the ability of states to determine competitive integrated employment at the state level and allow individuals to choose from a range of employment opportunities offered by the 21st century workforce that best meet their own, individual needs.

The foundation of the VR program is the principle that individuals with disabilities, including those with the most significant disabilities, are capable of achieving high quality, competitive integrated employment when provided the necessary services and supports, but is conflicted by this section. Language in this section is in addition to and extends

¹ 29 USC § 705(11) provides: **Employment outcome** The term “employment outcome” means, with respect to an individual—

(A) entering or retaining full-time or, if appropriate, part-time competitive employment in the integrated labor market;

(B) satisfying the vocational outcome of supported employment; or

(C) satisfying any other vocational outcome the Secretary may determine to be appropriate (including satisfying the vocational outcome of self-employment, telecommuting, or business ownership), in a manner consistent with this chapter.

² 34 CFR Part 367

beyond Public Law 113-128 (WIOA) and limits the VR programs flexibility to support individuals to obtain high quality competitive jobs typically found in the community.

Missouri supports adopting regulations that give States broad flexibility to maximize services offered by the VR program and fully support career pathways and employment opportunities with competitive wages that lead toward self-sufficiency. Modifications would allow VR programs to fully participate in the workforce system and with their local partners to utilize current, effective programs, including community rehabilitation programs such as AlphaPointe, and to develop new and innovative solutions to support individuals who have disabilities achieve self-sufficiency, professional growth, opportunity and personal fulfillment through new and challenging job opportunities.

Finally, DSS/RSB would like to urge the USDOE to take the opportunity as it reviews its regulations to eliminate unnecessary regulations and eliminate unnecessary red tape to support the ability of States to develop creative and innovative solutions to serve our populations.

Sincerely,

A handwritten signature in dark ink, appearing to read "Steve Corsi", followed by a long horizontal flourish line that ends in a small loop.

Steve Corsi, Psy.D.
Acting Director