



ALABAMA GOODWILL INDUSTRIES

*Rehabilitation Services
For the Disabled*

Alabama Goodwill Industries, Inc.
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LaFacial Wilson Moore

August 23, 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

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.

Alabama Goodwill Industries, Inc. is an NPA participating in the AbilityOne Program and creates fifty-five jobs. Because referrals and placements from state vocational rehabilitation counselors have ceased 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).



Please remember Goodwill in your will, and please tell us when you do!

Retail outlets are located in Arab, Ashville, Athens, Birmingham, Boaz, Gadsden, Guntersville, Huntsville, and Scottsboro.

In addition, the non-referrals from Vocational Rehabilitation also denies a disabled individual from employment at Goodwill, because the counselor is unable to count an individual as a successful closure. The individuals who passed this legislation is blind to the facts of life. It is absolutely a travesty to all individuals with a significant disability who depend on our government for support.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Don Smith", with a long horizontal flourish extending to the right.

Don Smith
CEO/President