

DRAFT TEXT

Reference: Docket ID # 2017-OS-0074-9349

My 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 a job-killing impact for people who are blind or who have other significant disabilities. People who face extreme barriers to employment do not need additional unnecessary harmful obstacles. Specifically, RSAs 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 guidance promulgated by RSA restricts access to quality competitive integrated jobs for people with disabilities and is inconsistent with other parts of the regulation, the departments longstanding practice and technical guidance. Each case is to be evaluated on its own merit, not as a blanket policy as the RSA language suggests.

Arizona Industries for the Blind is an NPA participating in the AbilityOne Program and has created over 120 good jobs whereby employees thrive in a quality work environment and earn competitive wages. We do not want to see people who are blind in our local community hindered from acquiring meaningful employment of their choice because of generalized guidance from RSA.

We request that the DoEd immediately rescinds the FAQ guidance (posted on DoEds 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 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).

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