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September 21, 2017

Hilary Malawer, Esq.  
Assistant General Counsel  
Office of the General Counsel  
United States Department of Education  
400 Maryland Avenue, SW Room 6E231  
Washington, DC 20202

RE: Docket ID is ED-2017-OS-0074-0001.

Dear Ms. Malawer:

I have worked in the field of disability employment for nearly forty years. Throughout that time, I have had the pleasure of working with our state rehabilitation agency as a provider and with our county service delivery areas as a member of the private Industry Council and Workforce Investment Board to advocate for community employment for people with disabilities. I have witnessed the benefits of integrating services for people with disabilities through the One Stop Service Center. I fear that those benefits will disintegrate with the definitions included in 34 CFR §361.5(c)(9)) and Section 511 of WIOA.

I am significantly concerned with the definition of "competitive integrated employment" (34 CFR §361.5(c)(9)) that was rewritten during the regulatory process. The Department of Education narrowed what qualifies as competitive integrated employment. This was not the intent of Congress. The 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. Defining integration as it is, clearly targets people who work through providers of services such as me. I feel this is unfair to people with disabilities and treats them differently from the workforce at large. The narrow interpretation of integrated settings will effectively reduce work opportunities for people with disabilities.

The Department's focus should be on expanding employment choice for people with disabilities, not limiting it. People with disabilities want and deserve a full array of options. According to Department of Education and the Rehabilitation Services Administration (RSA) jobs falling under programs intended to employ people with disabilities would not qualify as an employment outcome under the law. This represents a significant change of federal policy and turns the purpose of the Rehabilitation Act and WIOA on its head. People with disabilities who want to work should be helped in every way possible to find and keep work.

There is dignity in work and, all people with disabilities regardless of age should be permitted to work as soon as they complete their education. Section 511 of WIOA currently prevents people with disabilities under the age of 25 from working under 14(c) certificates even if that is their informed choice to do so. For many, a 14(c) certificate work opportunity may be the primary option for paid employment. It does not benefit a person who wants to work to be placed in a day program or left at home. This must change. I implore the Department to encourage state VR offices to focus their efforts on helping people with disabilities become attached to the workforce, and to eliminate any guidance suggesting otherwise.

Thank you for your time and consideration.

Respectfully,

Judy C. O'Brien  
Vice President of Services  
JM Murray