I am commenting on Regulation ID: ED-2015-OSERS-001-1167, State Vocational Rehabilitation Services Program; State Supported Employment Services Program; Limitations on Use of Sub-minimum Wage.

The regulation is adverse to State set-aside programs and to **Community Rehabilitation Programs (CRPs),** by adding definitions and provisions that go beyond the intent of Congress in the Workforce Innovation and Opportunity Act, and thus will result in a loss of choice in jobs for individuals with disabilities.

CRPs must be able to use the 14C special wage certificate which allows them to pay based on each individual’s productivity and not a flat minimum wage. If this is not allowed CRPs will go out of business by the droves.

The Workforce Innovation and Opportunity Act (WIOA), signed into law in 2014 with bipartisan support, was intended to support individuals with disabilities to obtain competitive integrated employment. Subsequent to its passage, the US Department of Education/Rehabilitation Services Administration (RSA) began promulgating guidance concerning the implementation of WIOA. **That guidance included a "re-definition" of competitive integrated employment that was not a part of the WIOA law, nor did it reflect the intent of Congress. The guidance promulgated by RSA resulted in the opposite of what it was intended to do. It has taken away the opportunity for a vast number of individuals with significant disabilities, who expressed an interest in becoming employed and demonstrated a need to receive employment supports from a CRP sponsored by state Vocational Rehabilitation (VR) agencies to gain and/or sustain employment.**

The re-definition of competitive integrated employment erroneously singled out CRPs, by disqualifying them as competitive integrated employment settings simply for no apparent reason other than their self-proclaimed guidance. There was nothing the CRPs had done to provoke such a redefinition.

Widespread confusion occurred among state VR agencies all across the country because the decades long relationship between VR and CRPs was put into limbo as a result of the baffling guidance issued by RSA which surfaced without adequate explanation. Proof of that is the fact that many VR agencies stopped referring individuals employment while others continued to do so using their own interpretations of the guidance issued by RSA. Since the re- definition became effective in September 2016, 20 state VRs are no longer making referrals for employment to CRPs while referrals have slowed in virtually all other states. This has taken a devastating toll on individuals with significant disabilities who simply want employment with CRPs and need the support of VR.

I disagree with the RSA regulatory re-definition of Competitive Integrated Employment because it restricts access to quality competitive, integrated jobs for people with significant disabilities; it is inconsistent with other parts of the regulation, longstanding practice and technical guidance; it limits the ability of state VR counselors to best determine the needs and competitive job fit for their individual clients with significant disabilities; and it discriminates against non-profit employers of people with significant disabilities.

Therefore, it must be revised!