September 7th, 2017

Hilary Malawer

400 Maryland Avenue SW

Room 6E231

Washington, DC 20202.

RE: Docket ID: ED-2017-OS-0074

My name is Sharon Giovinazzo and I am the President/CEO at World Services for the Blind (WSB), located in Little Rock, Arkansas. I am writing to express my strong opposition to rules enacted by the U.S. Department of Education (DoED) in 2016.

World Services for the Blind provides training and rehabilitation opportunities for people who are blind and visually impaired. The mission of WSB is empowering people who are blind and visually impaired in the United States and around the world to achieve sustainable independence. Since our founding in 1947 we have served more than 13,000 people from all fifty states and from fifty eight countries.

WSB provides pre-vocational services in blindness basics (Orientation and Mobility, Techniques of Daily Living, Braille, and Assistive Technology), as well as, extensive vocational programming which allows people to move from being tax takers into tax payers.

In 2014, Congress passed the Workforce Innovation and Opportunity Act (WIOA), which reauthorized and reformed the nation’s workforce development programs. To implement WIOA, federal agencies issued a total of five regulatory rules. DoED issued The Vocational Rehabilitation (VR) final rule in August, 2016. The VR final rule contained detrimental policy decisions and misguided language that I feel exceeded congressional intent and placed at risk employment and related services for Americans who are blind at numerous agencies providing employment for persons with visual impairment, as well as, those at other AbilityOne® Program agencies.

Under WIOA, Congress combined previously existing definitions under what is now called “Competitive Integrated Employment”. Congress did not change the “integration” definition that already existed in regulations and that has been used by the Rehabilitation Services Administration (RSA) and state VR agencies. And yet, the final WIOA rule on Vocational Rehabilitation programs enacted by DoED contained language that said any nonprofits working through AbilityOne, state use programs or that are required to comply with labor ratio requirements, are either never going to, or not likely going to, provide employment in integrated work settings.

As a result of these misguided, blanket statements by DoED, some state VR agencies have distributed letters telling these nonprofit agencies that they cannot continue to work with AbilityOne nonprofits. This is regulatory overreach, goes well beyond congressional intent, and is resulting in harm and the withholding of services to people who are blind and who freely choose to work at an AbilityOne associated nonprofit agency.

Existing regulations issued by the Department of Education/RSA, and still in effect today, require state VR agencies to research each employment setting to make determinations as to whether or not it is “integrated” and this must be done on a case-by-case basis. State VR agencies cannot simply write off AbilityOne agencies based on unwise statements in the final VR rule issued by DoED.

This is a subject that is very near and dear to my heart. In 2001 I began losing my sight after being diagnosed with Multiple Sclerosis. In a matter of seven months I went from perfect vision to no vision. I was fortunate as I lived where there was an agency that provided rehabilitation services. During the course of my rehabilitation I began to realize that I had the ability to live a full and productive life. At 31 years old and as an Army veteran, it was my ability to go back to work that completed the circle for me; the only problem was that I had no marketable skills as a person who was blind. So my very first job as a person who was blind was packaging gloves for TSA at Central Association for the Blind and Visually Impaired in Utica, NY, a NIB/AbilityOne associated agency.

I never viewed this as the only job I would ever have, I was afforded opportunities to learn and grow and took advantage of upward mobility programs offered through National Industries for the Blind. I progressed through the ranks, moved from manufacturing to middle management, to upper management and in fourteen short years became the CEO at WSB. If I had not been given the opportunity to work under the AbilityOne program, I would not be where I am today and for that I am internally grateful. So it saddens me to see that people who are blind will have to make a choice simply based off of assumptions by legislators who have never stepped foot inside of one of these great facilities.

In addition to the above comments, I feel that the Department of Education also overreached in the VR rule when it made the discretionary decision to eliminate the category of uncompensated outcomes, which includes the “Homemaker Exemption.” This category is utilized disproportionately by people who are blind, and allows older adults that have experienced vision loss sufficient time to receive training and rehabilitation in order to remain independent and safe in their homes. Congress did not direct DoED to eliminate the homemaker exemption when it passed WIOA, and this unilateral decision by the Department comes at a time when the federal government projects increased numbers of older Americans will experience vision loss with seventy five million aging baby boomers.

I respectfully request that the leadership of the two relevant committees in Congress (Senate Committee on Health, Education, Labor and Pensions, and House Committee on Education and the Workforce) direct the Administration and the Department of Education to do the following:

1. Issue a new communication to state VR agencies and remind them of their obligation under existing regulations to investigate and make determinations about integrated work settings on a case-by-case basis; and
2. Reverse the decision made in August 2016 and restore the uncompensated outcomes category, including the Homemaker Exemption.

The livelihoods of thousands of Americans who are blind have been placed at risk by an agency that engaged in regulatory overreach and went beyond the will of Congress in 2016, and we are asking Congress to work with the Administration to correct these wrongs.

If you have any questions please feel free to contact me. My cell is 501-766-6757 or email at [CEO@wsblind.org](mailto:CEO@wsblind.org)

Respectfully,

Sharon L. Giovinazzo

President/CEO