The Honorable Betsy DeVos  
Secretary of Education

U.S. Department of Education

400 Maryland Ave, SW  
Washington, DC 20202

Dear Secretary DeVos:

I am writing on behalf of the employees of Lighthouse Central Florida and its sister organization, Lighthouse Works, to express our strong opposition to rules enacted by the Department of Education (DoED) in 2016.

I am an instructor here at Lighthouse of Central Florida for our Youth Services department and I mainly work as an instructor for the Children’s Program. Occasionally, I assist with our Transition program that services visually impaired teens throughout the year as needed. During the busy months of summer, I serve as a job coach to young adolescence who participate in various work experiences to promote good work ethic at a young age and provide these young clients the beneficial exposure to the workforce that our work experiences aim to provide. Having been born with glaucoma and diagnosed since birth, I have grown to rely heavily on AbilityOne Program agencies to provide me the tools and services required for individuals suffering from vision loss to grow and become productive members of society. Glaucoma is the leading cause of blindness in the United States and thanks to Lighthouse of Central Florida and Lighthouse Works, going blind has been much easier to manage given the excellent quality of services our programs provide. Now, I am truly humbled and blessed by opportunities provided to me by this AbilityOne partner. Lastly, I take great pride in giving back to help the youth grow and become productive members of our society in the future. We all love what we do for our clients and hope that there will be no hindrance to our ability to best serve them as a result of any unfavorable measures taken that may affect our lives in a negative way.

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 we believe exceeded congressional intent and place at risk employment and related services for Americans who are blind at our agency, 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 nonprofit agencies like ours 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 DoED/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.

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. Congress did not direct DoED to eliminate the homemaker exemption when it passed WIOA, and this unilateral decision by your Department comes at a time when the federal government projects increased numbers of older Americans will experience vision loss.

We respectfully request that under your leadership 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 the Administration in concert with Congress to correct these wrongs.

Sincerely,

Raymond Colon

Youth Services Technician