



**CONSORTIUM FOR CITIZENS
WITH DISABILITIES**

June 15, 2015

Department of Labor
Employment & Training Administration
20 CFR Parts 676, 677, and 678
Docket #: ETA-2015-0002
RIN 1205-AB74

Department of Education
34 CFR Parts 361 and 463
RIN 1830-AA21

The undersigned members of the Employment and Training Task Force of the Consortium for Citizens with Disabilities (CCD) welcome the opportunity to submit comments on the Notice of Proposed Rule Making (NPRM) for the Workforce Innovation & Opportunity Act regulatory guidance. The following comments are in reference to the Joint NPRM published on April 16, 2015 (80 FR 20573 – 20687) concerning the Joint Rule for Unified and Combined State Plans, Performance Accountability, and the One-Stop System Joint Provisions.

CCD is a Coalition of more than 100 national consumer, advocacy, provider and professional organizations headquartered in Washington, D.C. Since 1973, CCD has advocated on behalf of people of all ages with physical and mental disabilities and their families, working to achieve federal legislation and regulations that assure that the 54 million children and adults with disabilities are fully integrated into the mainstream of society. The Employment & Training Taskforce of CCD focuses on matters pertaining to rehabilitation and workforce development, bringing together experts from multiple fields and disability perspectives.

Unified & Combined State Plans 20 CFR 676; 34 CFR 361

CCD supports the Departments of Labor and Education in strengthening our nation's workforce development system through better synchronizing core programs funded through WIOA, particularly through requiring greater strategic and operational harmony in the Unified State Plan. CCD is also pleased with the ability for additional programs outside of the six core programs to be more solidly integrated into a state's strategic and operational plan, through inclusion in a *Combined State Plan*.

Previous experience with state plans has raised concern among disability advocates over the minimal attention given by some states to the vocational rehabilitation (VR) system in their planning processes. VR was treated more as an afterthought, than an equal partner in the strategic and operational plan for successful workforce development. With this in mind, CCD is pleased that the NPRM notes specifically where state governors must seek out stakeholder input not only from disability services entities, but from individuals with disabilities:

“The Governor must ensure that the Unified or Combined State Plan is developed in a transparent manner and in consultation with representatives of Local Boards and chief elected officials (CEOs), businesses, representatives of labor organizations, community-based organizations (CBOs), adult and youth education and workforce development providers, institutions of higher education, disability service entities, youth-serving programs, and other stakeholders with an interest in the services provided by the six core programs and any optional program included in a Combined Plan, as well as the general public, including individuals with disabilities.”

CCD strongly urges the Departments of Labor and Education to continue this effort for greater inclusion of input from stakeholders within the disability community, and we hope that this input will help guide VR’s contribution to the state plans that will be submitted to the Secretary. We further encourage guidelines that will assure state executives will not ignore or under-represent the workforce development needs of people with disabilities in the strategic and operational planning outline in either the Unified or Combined State Plan.

State Plans for Outlying Regions

CCD wishes to respond to the Joint NPRM’s request for comments on the current discrepancy in defining outlying regions. CCD recognizes the inconsistencies identified in Sec. 102 and 103 of WIOA, wherein the “State” is defined differently between titles, and subsequently raises concern in Unified and Combined State Plans being executed in outlying regions where discrepancies exist. In such a case where a Unified or Combined State Plan would be nullified because it would only include Vocational Rehabilitation, CCD hopes that DOL and DOE will choose an option that is most inclusive for all Americans, even those in outlying areas.

Vocational Rehabilitation is not simply a means to the end goal of employment, but it is a critical program that allows an individual to become an active contributor in her or his community. For this reason, CCD believes that regulations for submitting Unified and Combined State Plans should provide a solution that does not infringe on an individual’s ability to gain training that will significantly impact her or his quality of life. VR is not just a program to assist those with significant barriers to employment back into the workplace. It is a life-line for millions of American citizens who run the risk of being shut in, and shut out from their communities. Therefore, in a situation where the only core program identified in a Unified or Combined State Plan is Vocational Rehabilitation, DOL and DOE should ensure that outlying regions are not penalized and denied funding for core services and supports provided through the VR program.

Access to Core Services

CCD is pleased with DOL's effort to assure that full access to American Job Centers and affiliates is made available in the most accessible means possible, as spelled out in **20 CFR 678.305** and **20 CFR 678.310(d)**. Member organizations of CCD have long been concerned with the poor quality of access to services in many job centers throughout the country, despite current federal laws set forth in the Rehabilitation Act of 1973 as amended, in the Americans with Disabilities Act (ADA) and the subsequent Americans with Disabilities Amendments Act (ADAA). CCD hopes that DOL and DOE will hold fast to the requirements that further outline access for individuals with disabilities in **20 CFR 678.500(b)(4)**. Additional attention is devoted to this concern in proposed rule **20 CFR 678.800(b)**; also found under **361.800**, wherein evaluations of American Job Centers must include evaluation of equal employment opportunities for individuals with disabilities, assuring they are accessible and in the most integrated setting.

If Title I programs under WIOA desire to serve those individuals with significant barriers to employment, then it must be transparent in reporting out how states perform in this area, both in physical and programmatic access.

Establishing Community Partnerships

While partnerships are encouraged with disability service providers, as spelled out in proposed rule **20 CFR 678.410**, they are not mandated, keeping in line with WIOA's desire to leave discretion to partnerships on the local level. CCD is encouraged by the prospect that local community involvement can provide more direct contact with service providers on a case-by-case basis. However, it has been the experience of many CCD member organizations that such tacit recommendations open fewer doors of opportunity than when state and federal leadership put in place resources to help bridge connections between core program service providers with employers and community service organizations. The implementation of the Department of Labor's final regulations enforcing Section 503 of the Rehabilitation Act serves as a recent example. In those regulations, the final rule removed linkage agreements. This created difficulties in connecting employers with community service organizations who could help them connect with prospective employees with disabilities, or gain access to vital programs that help individuals with disabilities gain the necessary supports they need to become successful and productive in the work setting.

To this end, CCD recommends that the Office of Disability Employment Policy take steps to engage stakeholders in fostering partnerships with organizations capable of providing access to career paths and jobseekers with disabilities.

Clarifying Performance Metrics

Finally, as found under the Rehabilitation Act's statutory provisions at 101(a)(6)(B)(i), as amended under WIOA Section 412(a)(6)(b)(ii), states are required to include in state plans the number of applicants and the number of individuals determined to be

eligible or ineligible for the program carried out under Title IV of WIOA, including the number of individuals determined to be ineligible (disaggregated by type of disability and age).

CCD urges the Department to clarify how they are implementing this new provision in the law. CCD is particularly interested in the breakdown by disability and age. This is one way that the agency can determine if the WIOA changes in the Act result in more people with intellectual and/or developmental disability being found ineligible rather than the intended outcome of more people with intellectual disabilities receiving the supports and services needed to achieve integrated competitive employment. A baseline of data is needed to determine if there is a problem with service delivery and assistance and develop strategies for the state to fix the problem. Furthermore, if state plans aim to provide strategic and operational direction toward meeting this primary goal set forth in Title IV of WIOA, such data is critical in mapping the success of the Act's desired outcomes.

CCD thanks the Departments of Labor and Education for the opportunity to comment on the proposed rule changes found in the Joint NPRM. We look forward to working with both departments as these provisions are further implemented and extend the invitation for both departments to call upon CCD should questions arise from these comments, or should CCD be able to further assist in measuring the impact these regulations will have on individuals with disabilities.

Sincerely
ACCSES

American Network of Community Options and Resources
Best Buddies International, Inc.
Goodwill Industries International
Lutheran Services in America Disability Network
National Association of Councils on Developmental Disabilities
National Council on Independent Living
National Down Syndrome Congress
National Industries for the Blind
National Organization on Disability
Paralyzed Veterans of America
RespectAbility
SourceAmerica
National Center for Learning Disabilities - Endorser