



**CONSORTIUM FOR CITIZENS  
WITH DISABILITIES**

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Workforce Innovation and Opportunity Act, Miscellaneous Program Changes

34 CFR Parts 367, 369, 370, 371, 373, 376, 379, 381, 385, 386, 387, 388, 389, 390, and 396

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The Employment & Training Taskforce of the Consortium for Citizens with Disabilities (CCD) welcomes the opportunity to submit comments on miscellaneous program changes encompassing implementation of the Workforce Innovation & Opportunity Act of 2014, as published in the Federal Register on April 16, 2015 (80 FR 20988). CCD is the nation's largest cross-disability coalition with over 100 service provider, consumer advocacy and rights organizations committed to improving the lives of people with disabilities.

The following highlights key sections from the Department of Education's Notice of Proposed Rule Making (NPRM) on Miscellaneous Program changes. For each section, we have provided the item of interest from the NPRM, and follow it with CCD's comments and/or recommendations.

## **Part 367 Independent Living Services for Older Individuals with Blindness**

Section 367 outlines the Department's program for individuals over the age of 55 who are blind and require services and supports outside the context of receiving services toward a competitive integrated employment outcome. While CCD recognizes that many of these proposed changes are to more adequately reflect the transition of independent living services to the Department of Health and Human Services, which now oversees funding for Centers for Independent Living, CCD asks for further clarification by the Department of Education on how it intends to work with HHS throughout the transition process to assure that this population continues to receive the necessary services that provide the greatest opportunity for complete and full independence.

## **Part 370 Client Assistance Program (CAP)**

As spelled out in **Section 370.1**, CCD is pleased to see the extension of CAP services to individuals receiving supported employment services under Section 363 and individuals being served under Section 397. CCD believes that CAP will be a vital resource for consumers receiving services and supports under these respective sections.

## ***Part 385 Rehabilitation Training Program***

The Rehabilitation Training program, found under Section 385, is designed to: (1) ensure that skilled personnel are available to provide rehabilitation services to individuals with disabilities through vocational, medical, social, and psychological rehabilitation programs, through independent living services programs, and through client assistance programs; (2) maintain and upgrade basic skills and knowledge of personnel trained to deliver rehabilitation services; and (3) provide training and information to individuals with disabilities, and their parents, families, guardians, advocates, and authorized representatives, to develop the skills necessary to access the rehabilitation system and to become active decision makers in the vocational rehabilitation process. CCD supports adding "supported employment and economic and business development programs to the list of programs that may benefit individuals with disabilities." CCD further supports emphasizing: "the importance of maintaining and upgrading the skills of personnel who provide supported employment services and customized employment services to individuals with the most significant disabilities, as well as personnel assisting individuals with disabilities whose employment outcome is self-employment, business ownership, or telecommuting."

CCD supports adding the definition of "Vocational Rehabilitation Services" and to replace the term "Rehabilitation Services" with "Vocational Rehabilitation Services" when necessary, retaining the more general term "Rehabilitation Services" in instances when "the services listed go beyond vocational rehabilitation services.

Furthermore, as noted in the NPRM, the current part 385 does not specifically address training personnel who deliver supported employment services and customized

employment services to individuals with the most significant disabilities, nor does it mention “training personnel who assist individuals with disabilities whose employment outcome is self-employment, business ownership, or telecommuting.”

In light of this, CCD supports amending **Section 385.1(a)(1)** by adding supported employment and economic and business development programs to the list of programs that may benefit individuals with disabilities. CCD also supports amending current **Section 385.1(a)(2)**: “to emphasize the importance of maintaining and upgrading the skills both of personnel who provide supported employment services and customized employment services to individuals with the most significant disabilities and personnel assisting individuals with disabilities whose employment outcome is self-employment, business ownership, or telecommuting.”

CCD is pleased to see these references to statutory provisions regarding training of personnel to assist individuals with disabilities whose employment outcome is self-employment, business ownership, or telecommuting. Many people with disabilities have a keen interest in starting or growing their own businesses or pursuing self-employment because of the flexibility this provides them in managing what can often be unpredictable health conditions. It is important that this training in business development and ownership include appropriate consultation with local small business development centers which have been created to serve as resources for this purpose. This training should also utilize the knowledge and resources of Workforce Board representatives who may be able to advise personnel on the most effective avenues for telecommuting, business ownership and self-employment in their particular region. CCD recommends that the Department incorporate into Part 385, where appropriate, consultation with small business development centers by training program personnel. CCD further recommends that Part 385 direct training programs to consult with Workforce Board business representatives on effective telecommuting and entrepreneurship practices in their area.

With regard to assistive technology terminology, Section 302(a)(1)(H) of the Act, as amended by WIOA, authorizes the Rehabilitation Training program to assist eligible entities to provide rehabilitation personnel training in providing assistive technology services. The current part 385 does not address “assistive technology services,” although the term “Rehabilitation Technology” is used in Section 385.1(a)(2), and 385.4 includes definitions of “Assistive Technology Device” and “Assistive Technology Services.”

CCD supports adding a definition of “Assistive Technology” to the definitions “Assistive Technology Device” and “Assistive Technology Services,” found in current **Section 385.4**.

In addition, CCD is encouraged by the Department’s effort to add to the definition of “Assistive Technology Services” services that would expand the availability of access to technology, including electronic and information technology, to individuals with disabilities.”

## Part 373 Special Demonstrations

This Part describes a program of competitive grants, including cooperative agreements, for contracts with eligible entities to expand and improve the provision of vocational rehabilitation and other services authorized under the Rehabilitation Act by supporting activities that increase the provision, extent, availability, scope, and quality of rehabilitation services under the Act, including related research and evaluation activities.

Organizations eligible for assistance under this program include: (1) State vocational rehabilitation agencies. (2) Community rehabilitation programs. (3) Indian tribes or tribal organizations. (4) Other public or nonprofit agencies or organizations, including institutions of higher education. (5) For-profit organizations, if the Secretary considers them to be appropriate. (6) Consortia that meet the requirements of 34 CFR 75.128 and 75.129. (7) Other organizations identified by the Secretary and published in the Federal Register.

Among the definitions in **§ 373.4** are the following:

*Early intervention* means a service delivery or model demonstration program for adults with disabilities designed to begin the rehabilitation services as soon as possible after the onset or identification of actually or potentially disabling conditions. The populations served may include, but are not limited to, the following: (1) Individuals with chronic and progressive diseases that may become more disabling, such as multiple sclerosis, progressive visual disabilities, or HIV. (2) Individuals in the acute stages of injury or illness, including, but not limited to, diabetes, traumatic brain injury, stroke, burns, or amputation.

*Substantial impediment to employment* means that a physical or mental impairment (in light of attendant medical, psychological, vocational, educational, and other related factors) hinders an individual from preparing for, entering into, engaging in, or retaining employment consistent with the individual's capacities and abilities.

CCD notes that people with emerging disabilities or disabilities that have increased in severity are among those most at risk of loss of employment. For many such individuals, entry onto an employer's short term or long term disability insurance programs is very often just the first step toward eventual entrance onto public disability benefits. Early intervention of the type envisioned by these special demonstration programs could interrupt this trajectory. We recommend that a (3) be added to specifically mention workers on an employer's short or long term disability insurance benefits.

CCD thanks the Department of Education for the opportunity to comment on the proposed regulatory changes outline in the aforementioned NPRM. The Employment & Training Taskforce of CCD looks forward to working with the department as it moves toward publishing its final rule, and extends the invitation to call upon this taskforce

should it be able to provide additional input into how the final rule can best meet the needs of 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