

Congress of the United States
Washington, DC 20515

April 11, 2019

The Honorable Betsy DeVos
Secretary
United States Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202

Dear Secretary DeVos,

In 2014, Congress passed the Workforce Innovation and Opportunity Act (WIOA), which streamlined federal workforce development programs and strengthened the alignment between local workforce areas and labor markets. It also provided important employment support to individuals with disabilities in entering competitive integrated employment.

While the passage of WIOA was a landmark bipartisan success, we write to you to express concerns about the need for action to address ongoing problems with the implementation of some aspects of the law. As you are aware, in promulgating regulation and sub-regulatory guidance (FAQs) related to WIOA, the previous Administration developed imprecise criteria defining “integrated settings” in the context of competitive integrated employment. Specifically, in both regulation and sub-regulatory FAQs, the Rehabilitation Services Administration (RSA) created considerable uncertainty by listing several inconsistent factors that would presumptively disqualify an employer from receiving state referrals.

As a result of the agency’s sub-regulatory FAQs, many state Vocational Rehabilitation (VR) agencies have adopted a “blanket denial” approach instead of conducting a case-by-case determination for employment opportunities in AbilityOne and State Use programs as required by WIOA. As you know, the AbilityOne Program is the largest source of employment in the United States for individuals who are blind or have significant disabilities. More than 500 nonprofit agencies participating in the Program employed nearly 44,000 individuals who are blind or have significant disabilities in Fiscal Year 2018.

We have heard from employers from across the country that nearly 20 state VR agencies have partially or completely stopped referring individuals with disabilities to AbilityOne and State Use employment. Unfortunately, the blanket denials of referrals to AbilityOne and State Use jobs deprive people with significant disabilities from being referred to valuable employment opportunities in a wide variety of settings, including in federal and state government buildings.

As you may recall, in 2017, over 40 Members of the House of Representatives sent you a letter requesting you to promulgate regulations to allow AbilityOne-participating nonprofit agencies to continue to receive state referrals and placements. The opportunity still exists today

for the Department of Education to improve the situation considerably by providing clear guidance.

Given the need to support valuable employment opportunities for people with disabilities, we request that you direct your agency to rescind the RSA's current guidance and instead promulgate new rules by which the state VR agencies will conduct case-by-case determinations for each AbilityOne and State Use job that may be considered competitive integrated employment under WIOA. In addition, we strongly encourage you to visit an AbilityOne nonprofit agency in the coming weeks so that you can witness, first hand, the important work the nonprofit agencies do in providing employment opportunities for people with disabilities.

Thank you for your consideration of this request.

Sincerely,



Glenn Grothman
Member of Congress



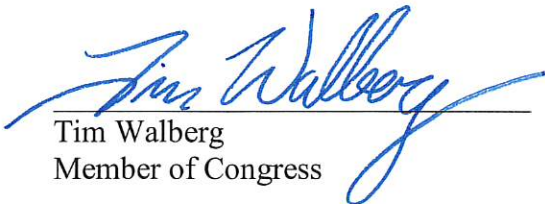
Ron Estes
Member of Congress



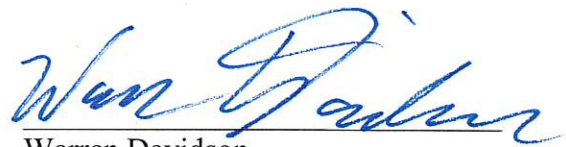
David P. Roe, M.D.
Member of Congress



Mike Gallagher
Member of Congress



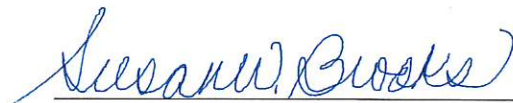
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Member of Congress



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