

EF PRESENTS 10 CRITICAL AREAS FOR IMPROVING CIE- BASED ON THE WIOA ADVISORY COMMITTEE REPORT



Recommendations for Interagency Collaboration based on WIOA Advisory Committee on Increasing Competitive integrated employment for individuals with disabilities (ACICIEID)

School to work transition (STW) Provider Transformation (PT) Mental Health (MH) Interagency Coordination (IC)



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In order to support states in their Employment First and systems change efforts, ODEP has identified 10 Critical Areas to Increase Competitive Integrated Employment (CIE) based on the recommendations put forth in the Workforce Innovation and Opportunity Act (WIOA) Advisory Committee on Increasing Competitive Integrated Employment for Individuals with Disabilities (ACICIEID) Final Report.

Recommendations

The U.S. Department of Education (ED), Office of Special Education Programs (OSEP), within its oversight authority of Individuals with Disabilities Education Act (IDEA), should encourage the use of Indicator 14 to strengthen opportunities for youth with disabilities to gain paid integrated work experiences, including: (STW)

Annual IDEA Indicator 14 reporting on all school exiters, to include postsecondary education and/or CIE with specific data on type of employment that match student choice, hours worked, and wages earned, (STW)

States education agencies (SEAs) working with local education agencies (LEAs) to develop improvement plans for lower-performing schools as evidenced by IDEA indicator 14 post-school outcome data. (STW)

SEAs establishing policies for technical assistance to lower performing schools as evidenced by IDEA Indicator 14 post-school outcome data. (STW)

ED should invest in high-quality multivariate correlational research to move from promising practices to evidence-based practices that would document new models and transition assessment methods and/or tools to move youth from school to careers. (STW)

Congress should reauthorize IDEA and the Carl Perkins Career and Technical Education Improvement Act to align with WIOA and expand responsibilities of programs funded through the Act in order to support early paid work experiences for youth with the most significant disabilities. Specifically, Congress should amend IDEA to support: (STW)

Setting of transition goals that are based on CIE first and “presumed employability” of all individuals, (STW)

A requirement for a minimum of one competitive integrated job prior to high school exit that is documented as a transition service. (STW)

Required participation of both the state vocational rehabilitation services agency and the state intellectual/developmental disabilities agency at Individualized Education Program (IEP)

School to work transition (STW) Provider Transformation (PT) Mental Health (MH) Interagency Coordination (IC)



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meetings of transition-age youth, and/or or other agencies responsible for providing or paying for transition services. (STW)

Prohibition of Section 14(c). subminimum wage employment or services as an allowable transition service or post-school outcomes. (STW, PT)

The age of concentrated transition planning to begin no later than 14. (STW)

ED/OSEP should encourage SEAs and LEAs to use quarterly ongoing progress monitoring and reporting to parents and include a review of transition services and progress made toward achieving transition-to-career goals. (STW)

ED, the U.S. Department Health and Human Services, and the Social Security Administration (SSA) should incorporate into grant priorities, training requirements, and activities, stronger guidance on post-school predictors of obtaining CIE, and resources for families. (STW, IC)

a. Specifically, federal agencies should look to enhance grant priorities and other funding sources that support families of children and youth with intellectual and developmental disabilities as well as other significant disabilities. These include Parent Training and Information Centers, Community Parent Resource Centers, Family-to-Family Health Centers, IDEA Parts B and C grantees, Family Support Programs, and Statewide Family Network Programs. (STW, IC)

b. Stronger guidance and grant-funding requirements are needed in these areas:

i. Information to families of students with disabilities about strong predictors of post-school success, to include paid, community-based, integrated work experiences prior to school exit. (STW)

Support for the whole family in working toward shared goals for their children, a clear role for family participation, (STW)

A role for successfully-employed self-advocates and their families to mentor students and their families from diverse cultures who are learning about their own possible career pathways, career exploration opportunities. (STW)

Building students' self-advocacy and self-determination skills, including making informed financial decisions and improving financial capability. (STW)

Progress monitoring at key transition stages en route to achieving job of choice (from early intervention, middle school, high school, to post- school, and including CIE and postsecondary education) sensitivity to cultural diversity among families (STW, IC)

ED/OSEP should improve professional support and training to help students make meaningful progress toward CIE by: Updating all personnel and professional development grant programs and related funding priorities (for general and special educators), to incorporate provisions related to predictors of post-school success for youth with significant disabilities. (STW)



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Including strategies to address the specific needs of culturally diverse families, incorporating assessments of teacher trainee ability within special education teacher preparation programs. (STW)

Disseminating information to State Education Agencies about predictors of post-school success in teacher preparation programs and post-school outcome data on youth with significant disabilities. (STW)

Congress should reauthorize the Higher Education Act to: reflect predictors of post-school success for youth with significant disabilities and update personnel and professional development evaluation monitoring components accordingly to ensure general and special education educators are prepared to facilitate high quality post-school outcomes for youth with disabilities. (STW)

Congress should provide limited authority to the four relevant federal agencies – ED (RSA, OSEP, and the Office of Career, Technical, and Adult Education-OCTAE); HHS (Centers for Medicare & Medicaid-CMS, Administration for Community Living-ACL, Substance Abuse and Mental Health Services Administration-SAMHSA); the U.S. Department of Labor (DOL) (Employment & Training Administration-ETA; Office of Disability Employment Programs-ODEP); and SSA – to waive requirements that make it difficult for states to use and braid funds targeted at transition-age students with significant disabilities (those students participating in Alternate Assessments as defined in Every Student Succeeds Act (signed into law on December 10, 2015)). (STW, IC)

Congress should require these federal agencies to collaborate in order to develop opportunities for states to support local pilots that can demonstrate success when provided the opportunity to combine resources across federal programs for implementing ambitious yet achievable plans for comprehensive reform and create coordinated, seamless and sustainable CIE outcomes and advance economic self-sufficiency for youth with significant disabilities. Authority should be secured to:

Waive statutory and/or regulatory requirements that make it challenging for states to effectively use and braid funds due to payer of last resort policies. (STW, IC, PT)

Structure a pilot that allows flexible use of funds and incentive payments for achieving CIE outcomes and advancing economic self-sufficiency for youth with significant disabilities, (STW, IC)

Support alignment of required outcomes and reporting across relevant federal funding streams supporting youth with the most significant disabilities, (STW, IC)

Support presumptive eligibility processes across programs participating in the pilots, and ensure access to supports and services needed for maintaining CIE – including assistive technology, transportation, and financial education and coaching. (STW)

The Pilot Projects should:

target youth with significant disabilities whose achievement is measured against alternative academic achievement standards (these students constitute a small group for initial investment, are most at risk of being referred to 14(c) employment, and are often the most costly to serve in adult systems), (STW, IC, PT)



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Require adoption of evidence-based predictors of post-school success and incentivize capacity-building efforts within federal employment programs, including technical assistance and training, to serve youth with significant disabilities. (STW, IC)

Include a robust data collection and evaluation component that tracks participant outcomes for a minimum of five years after exiting post-secondary education, and (STW)

Support state and local programs in developing innovative, best practices for the hardest-to-serve populations, focused upon students with significant disabilities, including those in rural communities and those who are disproportionately underserved, by incentivizing outcomes and considering pay-for-performance models. (STW)

g. If such pilots can demonstrate on a limited basis that increasing flexibility across federal programs results in improved longitudinal outcomes for this small group of students who have traditionally experienced very low success rates, the models could be scaled to incorporate a broader group of students with significant disabilities. Additionally, by limiting pilots to this small group of students, the likelihood of granting a broader flexibility is higher. (STW, IC)

The U.S. Department of Justice and ED should collaborate to issue specific joint agency guidance regarding Assistive Technology and quality Assistive Technology assessments as connected to the interpretation of IDEA's Free Appropriate Public Education (FAPE) and Least Restrictive Environment (LRE), WIOA Section 511, and Title II of the Americans with

Disabilities Act's effective communications requirements and integration mandate (Olmstead). Specific guidance should include: (IC)

Evidence-based practices that require supplementary aids and services to be provided in a competitive, community-based, integrated employment setting, (STW, IC)

Strategies to support education personnel and employment service organizations, requirements that local and state entities (including LEAs, SEAs, VR, and Medicaid) develop joint policies, including developing or incorporating into existing interagency agreements, clarifying funding responsibilities for assistive technologies that students need to access CIE, and eliminate barriers to continued access to assistive technology as a work accommodation, allowing the technology to follow students from school to the workplace.(STW IC)

Requirements to regularly review and reassess an individual's assistive technology needs, and a strengthened review of access to assistive technology for students with significant disabilities as part of state oversight, monitoring, and enforcement strategies.

Congress should amend Section 14(c) of FLSA to allow for a well-designed, multi-year phase-out of the Section 14(c) Program that results in people with disabilities entering CIE. (PT)

Oversight of the phase out should include: Enhanced data collection and analysis of 14(c) certificate holders and individuals paid under the certificate, including earnings and hours worked.(PT)



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Data collection and analysis of employment services received by individuals paid under the certificate and employment outcomes achieved. (PT)

Increased penalties for misuse of the certificate. (PT)

A federal interagency panel should be appointed, by the Secretary of Labor, to develop and oversee a detailed plan for the phase out that considers:

Mandates of WIOA, including new requirements under WIOA for Section 14(c) certificate holders. (PT)

Resources for technical assistance.

Measures to mitigate unintended impact of service transformation on subminimum wage recipients (PT)

Safeguards to ensure self-determination and that individuals are engaged and equipped with information and the opportunities necessary for understanding options and making informed choices. (PT)

Attention to the long-term development of career pathways for individuals . WHD should engage in stronger enforcement of 14(c) certificates and should use a strict standard for issuance or renewal of 14(c) certificates only when "... necessary in order to prevent the curtailment of opportunities for employment. (PT)

Prior to issuing a new 14(c) certificate or renewing an existing one, DOL should require a state (through the state's Medicaid agency, Department of Labor, or Department of Disability Services) to submit evidence that there is a current lack of

employment opportunities for people with disabilities such that a time-limited 14(c) certificate is "necessary to prevent the curtailment of opportunities for employment" for people with disabilities, and to develop a plan for addressing the lack of opportunities. The submission must include, at a minimum, data on the existing rate of CIE within the state for the population proposed by the certificate applicant and articulate a plan, with specific timeframes and benchmarks, to expand access to CIE for the purpose of making the use of 14(c) certificates unnecessary in the future. (PT)

To the extent necessary, DOL should take regulatory action to implement this recommendation. (PT)

Require 14(c) certificate applicants to provide information along with their application to substantiate their claim that the certificate is "necessary to prevent the curtailment of opportunities for employment" for people with disabilities, including data on the availability of integrated employment and supported employment services within the region they serve. (PT)

The 14(c) applicant must also describe the steps it will take to assist individuals under 14(c) to obtain CIE, including the steps it is taking as required by Section 511 of WIOA. WHD should evaluate the progress made towards meeting the timeframes and benchmarks for expanding access to CIE in determining whether to renew a 14(c) certificate. To the extent necessary, DOL should take regulatory action to implement this recommendation. (PT)

WHD should incorporate input from federal partners into its 14(c) application and re-certification review processes, including



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the Centers for Medicare & Medicaid Services (CMS), the Administration on Community Living, the Rehabilitation Services Administration, and the Department of Justice in order to adequately evaluate the information about employment opportunities and the adequacy of remedial plans to support the issuance or renewal of 14(c) certificates. (IC, PT)

In addition to technical assistance activities recommended in other sections of this report, federal agencies that have responsibility either through WIOA or other federal initiatives to increase CIE for people with significant disabilities – including the DOL, the U.S. Departments of Health and Human Services and Education, and the Social Security Administration -- should coordinate provision of technical assistance resources for states to encourage transforming 14(c) certificate holders to employment agencies that offer CIE. (IC, PT)

For maximum impact, provision of technical assistance should focus on those states that are successfully transforming employment options from 14(c) to CIE either because of the work these states are doing to comply with the Home & Community Based Services (HCBS) Settings Rule, the WIOA mandate, or their Olmstead obligations. The results should be shared with all states. (IC, PT)

The technical assistance resources should include, at a minimum: Redesigning the business plans of non-profit employers with 14(c) certificates, typically defined as CRPs, to develop strategies that lead to and support individuals with disabilities to pursue

and sustain CIE. Methods of re-deploying staff and restructuring staff roles. Staff training on CIE strategies (PT)

iv. Service delivery by CRPs that ensure self-determination and informed choice, and career pathways that advance economic self-sufficiency PT

v. Data collection and management of CIE services PT
Repurposing of facilities/spaces (PT)

CMS should enforce guidance regarding the time-limited nature of pre-vocational services for the purpose of individuals moving into CIE, as opposed to moving to other non-vocational segregated services. (IC, PT)

Congress should provide funding to DOL to develop and disseminate public service announcements and other media resources in order to conduct a dynamic and impactful national marketing campaign directed to businesses. The campaign must target employers of all sizes that promote business-to-business communication, highlight the impact and benefits to business, and highlight the accomplishments of people with I/DD and significant disabilities working in CIE. (PT)

This marketing campaign should be developed in collaboration with business representatives that have successful disability inclusion initiatives and with business leadership organizations, such as, but not limited to USBLN, NOD, and the Society for Human Resource Management (SHRM) as appropriate. The campaign should spotlight model businesses that have effectively built a more inclusive workforce through the development of outreach and recruitment strategies resulting in policies and



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practices specifically aimed at recruiting, hiring, and retaining employees with I/DD and other significant disabilities such as those mentioned in the introduction. (IC)

The marketing campaign public service announcements (PSA) and other media resources should be directly disseminated nationwide to organizations, including, but not limited to: chambers of commerce at the state and local level, business councils, trade associations, Small Business Administration offices, and other entities. DOL should authorize and encourage these business-directed organizations to link the PSA and/or other media resources on their websites in order to educate their members about hiring people with I/DD and significant disabilities and how to connect with businesses that have successful diversity initiatives. (IC)

2. Congress should provide funding and mandates to the U.S. Department of Education (ED) and DOL to develop training that includes certification requirements that will be presented in a web-based centralized format for all employment services personnel who work within the public workforce system with businesses and individuals with I/DD and other significant disabilities. (STW, IC)

Nationwide web-based, centralized instruction must be developed and implemented in order to mandate that all public workforce system employment services personnel become certified to ensure the continuity of the provision of quality services to businesses and people with disabilities, in particular to people with I/DD and significant disabilities. (IC)

Educational online initiatives should include, but not be limited to: all employment services personnel within the public workforce system and directed to AJC management and staff, business service representatives, Workforce Development Board members and staff, state workforce executives, and vocational rehabilitation staff. (IC)

Leads to a certification credential for both current and new employment services personnel working within the public workforce system. Certification requirements should build on existing standards, such as those established by the Association for Persons Supporting Employment First (APSE) Certified Employment Support Professional (CESP) exam, and augment any other existing professional standard requirements, e.g., Certified Rehabilitation Counselor. (STW, IC)

Designed to provide education through individual online modules that include, but are not limited, the following: Disability Awareness Module that includes how to communicate and work with individuals with disabilities, with a focus directed to people with I/DD and other significant disabilities .Detailed strategies for assisting AJC customers with significant disabilities to pursue and achieve CIE (STW)

Specific business-related content, including general market and industry information and specific recommendations and guidance from businesses that have successfully included individuals with significant disabilities in their workforce. Funding including the blending and braiding of funds and their utilization. (IC)



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- v. Ways to address physical, communication, and programmatic barriers to employment that may exist in AJCs
- vi. Universal access
- vii. Assistive technology
- viii. The Social Security Administration’s (SSA) Ticket to Work Program
- ix. Work incentives and benefits counseling
- x. Financial education and counseling
- xi. Guidance on making referrals to outside agencies in order to reduce duplication PT
- xii. ADA education on the “Provision of Employment Services,” ADA standards that address those relating to both provision of services (e.g., ADA Title II, Section 504) and employment (e.g., ADA Title I, and specific parts of Section 504 regulations (29 CFR part 32 subparts B and C), and on
- xiii. WIOA Section 188

Once the online education and certification requirements are developed, the online modules should be designed so that employment services personnel may re-enter the modules so that they may access information at-will to immediately find resource information included in any module. This will ensure that personnel will be better prepared on how to communicate with businesses and to guide them through a customized approach to recruiting, hiring, retaining, advancing, and supporting employees with I/DD and significant disabilities into (STW, IC)

Funding for the online education initiative should include a budget for ongoing updates to keep the education on target with changing federal policies and any additional information

Congress should mandate that within the public workforce system a percentage of local Adult and Dislocated Worker and Vocational Rehabilitation (VR) formula funds be set-aside to support work experiences, including internships, apprenticeships, on-the-job training, and paid work experiences for individuals with I/DD or other significant disabilities. PT, IC(STW, IC)

AJCs and state VR agencies must further divide the mandated percentage of work-based learning funding across the customer groups of individuals with I/DD and other significant disabilities they serve. AJCs, for example, should ensure funding is divided between adults, dislocated workers, and youth with I/DD and other significant disabilities. State VR agencies must ensure funds are allocated for both adult and youth populations that have I/DD or other significant disabilities. (STW, IC)

WIOA emphasizes engaging employers across the workforce system to align training with needed skills and match employers with qualified workers. The law also emphasizes training that leads to industry-recognized postsecondary credentials. To further support WIOA’s focus on CIE as the priority outcome, a percentage of all work-based learning funding must be specifically set aside and earmarked exclusively for use with youth and adults with I/DD and other significant disabilities. The amount of set-aside funding should be individually determined but mandated so that local Workforce Boards will set-aside funds for each local workforce area contingent on the local workforce needs. (STW, PT, IC)

In order to insure that businesses have qualified workers that are educated on the impact that employment may have on their



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state or federal benefits, Congress should increase funding of the Social Security WIPA grant program to expand and provide opportunities for more benefit counselors to be certified, and fund the U.S. Department of Labor and Social Security Administration collaboration to promote and encourage the onboarding of Social Security Administration Ticket to Work Employment Networks (ENs) into AJC sites. WIPA grant programs should also provide information on Achieving a Better Life Experience (ABLE) accounts to advance CIE and economic self-sufficiency objectives. (STW, IC)

WIPA provides work incentive planning and assistance, benefits counseling, and guidance for planning for a more economically self-sufficient future. WIPA certified benefits counselors offer advice and guidance to SSDI and SSI beneficiaries about obtaining and maintaining employment and building more independent and productive lives while also providing information on obtaining vocational rehabilitation and employment related services including referrals to Employment Networks. The WIPA Program is an integral part to educating individuals with disabilities on the use of Social Security work incentives and the benefits of employment. (STW, IC)

Funding for the WIPA program is based on a formula with a maximum cap established in the Ticket to Work and Work Incentives Improvement Act of 1999 (P.L. 106-170) and has remained at this level since 2001. As a result, and in spite of increased demand for services, the number of WIPA projects has decreased from 107 in 2006 to 83 currently nationwide. (STW, IC)

SSA currently allows community service providers to receive this training for free as part of the training and technical assistance contract to train Community Work Incentive Coordinators (CWICS) to become benefits counselors as part of the WIPA grant. However demand for this training is very high and the capacity to meet the demand for certification classes is very limited. (STW, IC)

There are approximately 2,500 AJCs nationwide providing assistance with career counseling, job training, job placement, and other services. In many instances, these AJCs provide employment support services to SSA disabled beneficiaries seeking employment. Currently, approximately 120 of these AJCs serve as SSA ENs. By becoming an EN, the AJCs can receive payment from SSA by placing beneficiaries into jobs. Part of these funds can be used by the AJC to establish or facilitate participation in an administrative structure needed to manage the administrative and other logistical aspects surrounding this effort. (IC)

Congress should increase funding of WIPA grant program to support the expanding population of Social Security Disability Insurance (SSDI) and Supplemental Security Income (SSI) disability beneficiaries seeking to enter the workforce and help inform them about ABLE accounts to meet goals of CIE and advancing economic self-sufficiency. (STW, IC)

In order to improve employment outcomes for individuals with disabilities, Congress should provide expanded funding for SSA benefits counseling training to service providers working directly with individuals with disabilities and receiving SSI and/or SSDI benefits. This funding would be utilized to expand



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the number of classes to better meet the need. Eligible service providers who would receive this training include VR, ENs, appropriate job support staff from employers of SSA beneficiaries, and other entities engaged in employment support services for this population. (STW, IC)

Employer personnel may receive this training as they are engaged in job coaching or other roles designed to support people with disabilities. Expanded training should be facilitated through existing, accredited programs and should result in the certification of the trainee as a benefits counselor. This will improve employment outcomes for individuals with disabilities as they will understand about how working will allow them to make informed decisions about employment, earnings and investment. (STW)

In order to increase CIE for individuals with disabilities, Congress should fund the DOL and SSA to collaborate to promote and encourage the onboarding of AJC sites as SSA Ticket to Work ENs. (IC)

Congress should direct the Secretary of the U.S. Department of Transportation (DOT) to ensure that safe, seamless, cross-jurisdictional, accessible transportation is available for people with disabilities, including but not limited to establishing Para-transit Systems in urban and rural areas across the United States, and utilizing the latest technological and digital strategies to address the most glaring deficits, especially in rural areas.

a. DOT should build on existing new technological and digital strategies to better address transportation issues for people with disabilities. For example, the National Center for Transit Research (NTR) provided funding to researchers at the

University of Illinois (Chicago) Urban Transportation Center to develop an online tool that permits experts to evaluate accessibility by different transportation modes and use that information to improve livability.⁵⁵ DOT should consider a grant program to fund this effort on a national scale.

b. DOT should develop additional grant opportunities aimed at providing additional funding for travel training, updating safety mandate requirements, and training for transportation vendors on appropriate and respectful communication with and treatment of people with I/DD and significant disabilities. DOT should identify strategies for broad nationwide dissemination of all grant opportunities. DOT should create incentives, including priority status on grant applications, for employers who demonstrate commitment to hiring and sustaining CIE of individuals with disabilities by incorporating transportation solutions and supports into their business practices.

DOT must ensure that businesses providing their own transportation services for customers and/or employees with their own transportation vendors be included in all training and educational opportunities.

Recognizing that healthcare is the fastest growing sector in the American economy, Congress should fund ED and DOL to develop initiatives that will educate employers within healthcare industries about the abilities of people with I/DD and significant disabilities and to create opportunities for people with I/DD and significant disabilities to participate in educational training, apprenticeships, and certification programs in healthcare and other high-growth fields. (STW, IC)



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These initiatives should highlight success stories, including those from healthcare companies and institutions of higher education, as well as showcase examples of effective partnerships between healthcare businesses and the public workforce system such as those listed in the introduction to this chapter. (STW, IC)

b. Because the perception may be that people with I/DD or those that have significant disabilities cannot work in healthcare careers and because some people with disabilities have been told they cannot pursue those careers, DOL and ED should provide outreach and education to individuals with significant disabilities to promote the idea that healthcare careers are an option. (STW, IC)

Congress should direct DOL to develop and implement strategies to provide additional outreach and guidance to Federal contractors working to comply with OFCCP Section 503 Rules during the ongoing “rollout” period and should fund the U.S. Department of Labor to develop and implement projects that provide training on the 503 Rules to VR and AJC staff and direct the Employment and Training Administration (ETA) to disseminate guidance to regional and local workforce development boards and directors that emphasize the importance of the training and promote the participation of AJC and VR staff. (STW, PT, IC)

Direct federal contractors to identify themselves on the state job database systems. Identifying as a contractor allows job seekers, AJC and VR staff to see the status of Federal contractor job opportunities and ultimately enhances efforts to recruit job seekers with disabilities. (IC)

Create pilot programs to research and identify effective strategies for federal contractors to use in outreach, recruitment, and hiring of people with disabilities since hundreds of federal contractors and subcontractors have never before included people with disabilities in their workforce. Once the studies are completed, DOL should disseminate best practices to other federal contractors to assist their development of outreach and recruitment plans directed at job seekers with disabilities. This guidance also must create employer awareness of the real fears individuals may have about disclosure and provide strategies businesses can use to proactively alleviate these fears. (IC) DOL should monitor federal contractors to ensure that they provide information about the Invitation to Self-Identify which is included in the new 503 regulations in order to invite applicants to self-identify as individuals with disabilities at both the pre-offer and post-offer phases of the application process, using language prescribed by the OFCCP. The new regulations also require that contractors invite their employees to self-identify as people with disabilities every five years, using the prescribed language. In addition, incorporation of the EO Clause language is to be used when incorporating the equal opportunity clause into a subcontract by reference. The mandated language, though brief, will alert subcontractors to their responsibilities as Federal contractors. (PT)

Ensure that all electronic job applications provided by federal contractors include a statement directed to self-disclosure as in OFCCP form CC-335, Office of Management and Budget (OMB) Control Number 1250-0005, Voluntary Self-Identification of Disability. As directed to candidates applying for a job, the form states, “Because we do business with the government, we must



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reach out to hire and provide equal opportunity to qualified people with disabilities. To help us measure how well we are doing, we are asking you to tell us if you have a disability or if you ever had a disability. Completing this form is voluntary, ...Any answer you give us will be kept private and will not be used against you in any way.”

Develop outreach materials that provide compelling reasons for individuals to disclose their disabilities to potential employers and raise employer awareness of potential self-disclosure concerns. Materials must highlight the specific benefits of disclosure as well as address the most commonly identified fears: confidentiality, possible “labeling,” and negative impact on career growth. Dissemination efforts must target individuals with disabilities as well as business organizations

g. Implement regional federal contractor roundtable discussions to establish better relationships between DOL and federal contractors. Also, SSA and/or local Ticket to Work Program Employment Network representatives and VR business services staff can act as resources to businesses during the discussions. Goals for the roundtables must include: fostering open communication, enhancing trust and collaboration, improving understanding of different perspectives, and increasing support for the mutual goals of increasing integrated competitive employment for people with disabilities. (IC)

Congress should update and amend the Work Opportunity Tax Credit (WOTC), the Disabled Access Credit (DAC) and the Architectural and Transportation Barrier Removal deduction to

expand eligibility criteria, increase financial benefits to eligible employers, and heighten programmatic oversight. IC, STW Efforts to increase WOTC utilization and to evaluate its effectiveness should include the following:

Expand WOTC to include recipients SSDI benefits under Title II of the Social Security Act as a new target group.

Monitor the new online WOTC application process to ensure that employer applications are processed in a timely fashion.

iii. Simplify the WOTC application process.

iv. Both at the federal and state level, WOTC websites should provide business-friendly information on WOTC, using language that is consistent with the federal WOTC site. The websites should include an ongoing feedback loop with employers to gather data on the efficacy of the application process, including ease of use, overall satisfaction, and suggested site improvements. The outcome of employer feedback/surveys should result in WOTC federal and state website changes based on employer suggestions that improve their access and address employer need for additional information.

v. Fund DOL to conduct an empirical longitudinal study examining the impact and effectiveness of the WOTC tax credit. In particular, the study should explore retention rates, opportunities for advancement, and the role of the WOTC in the decision to hire employees with disabilities. If possible, the study also should collect data on how many people with I/DD or other significant disabilities are hired under WOTC.

Considering the number of small businesses that are present in the American economy, Congress should revise the standards for



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DAC to expand eligibility criteria beyond the current limits of businesses with \$1 million or less in gross receipts or with 30 or fewer full time employees for the previous year, and

ii. Include annual indexation for inflation.

Additionally, Congress should require the Internal Revenue Service (IRS) to develop and disseminate materials providing regulatory guidance on DAC eligibility and applicability.

Materials should target employers, accountants or tax preparation professionals and should clarify what expenses the law is intended to cover, in order to reduce the confusion small business employers have about the Disabled Access Credit.

c. Amend the Architectural and Transportation Barrier Removal Deduction to the Architectural, Transportation, Communication and Technology Barrier Removal: Make it a tax credit instead of a tax deduction. (IC)

ii. Increase the allowable amount for any size business beyond the current \$15,000 limit per year to \$35,000 a year, while taking into account inflation and the increased cost of products, construction and services;

iii. Expand “barrier” categories to better reflect those of the modern workplace and to explicitly include both “communications” and “technology” barriers. For example, the applicability of the current deduction should be expanded to cover technological-based expenses such as software, assistive technology, and Section 508 website compliance. This will better address accessibility barriers experienced by today’s employees, potential employees, and customers. Accessible websites will improve the ability of job seekers with I/DD and significant disabilities to access online job opportunities by improving visibility, navigation, and downloading of job applications.

Businesses using this tax (credit) to improve communications or technology might include retailers that provide monitors for

customers to access catalogue items, product information, prices and more. A tax (credit) could be used to offset the expenses associated with equipping these computer-monitors with assistive technology that would allow customers with vision loss to access the information as well.

Clarify the law to ensure that accessible transportation is included in any business subsidized employee or customer transportation so that the transportation barrier removal deduction (credit) extends not merely to the physical accessibility of vehicles but to their use on behalf of people with disabilities.

Considering the underutilization of tax incentives by businesses, provide funding to the IRS and DOL to develop a public campaign publicizing and explaining the tax incentives available to businesses to support the hiring and retention of employees with disabilities and/or to provide better access for employees and customers with disabilities.

The U.S. Department of Health and Human Services (HHS), in collaboration with the U.S. Departments of Labor (DOL), Education (ED), Transportation (DOT), and Housing and Urban Development (HUD), and Justice (DOJ), and the Social Security Administration (SSA), should convene a cross-agency working group to provide policy guidance and technical assistance on integrated day services and other wraparound supports⁶⁰ that can help people with significant disabilities access CIE. At a minimum, the policy guidance should: (STW, IC)

Clarify that the purpose of integrated day and wraparound supports is to maximize (as opposed to displace or limit) CIE,



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improve socioeconomic status, and facilitate authentic community involvement for people with significant disabilities, Identify the key components, and examples, of effective practices in integrated day services; describe funding strategies available to expand integrated day services (including opportunities for using self-directed services); and suggest methods and metrics for collecting and using data on integrated day services to improve accountability and outcomes over time. (PT)

Clarify that integrated day options include, but are not limited to opportunities for mainstream, community-based recreational, social, educational, cultural, and athletic activities, including community volunteer activities and training activities, as well as other regularly occurring non-facility based activities of a person's choosing that are provided in settings which allow individuals with disabilities to interact with individuals without disabilities in a community setting to the fullest extent possible for the individual, and that such services should not include an overall facility or program schedule for the individuals receiving such services. (PT)

Clarify allowable uses of federal funds for promoting natural (i.e., non-professional), supports that help achieve the desired outcomes of CIE and socioeconomic advancement, and e. Describe how funding sources and service mandates can be coalesced across systems to ensure continuity in providing the seamless wrap-around supports needed to maximize the employment and earning potential of individuals with significant disabilities. (PT)

Assisting people with significant disabilities to obtain CIE and improve their socioeconomic status requires that public funding for integrated day services (also called non-residential LTSS) and wraparound supports be used to augment the person's experience while not replacing employment as the desired outcome. (PT)

For individuals with significant disabilities who have not yet obtained CIE, non-residential LTSS should focus on activities aimed at increasing the person's chances of achieving CIE (including integrated work-based learning experiences, networking to develop contacts for career advancement, career planning, and job development). (PT)

For individuals with significant disabilities who have achieved CIE, non-residential LTSS should continue to focus on activities aimed at expanding and sustaining CIE outcomes and at socioeconomic advancement, including but not limited to increased hours, wages, and benefits, opportunities for career advancement, expanded financial capability, and maximum community integration. Examples of priority service areas that could be linked to furthering the desired outcomes of CIE and socioeconomic advancement may include career planning/exploration, transportation, financial literacy training, benefits planning, and community-based recreation or skills-building activities. (STW, IC, MH, PT)

Targeting funding across systems at these desired outcomes requires leveraging resources, coordinating services, and aligning the various processes across systems that help determine an individual's eligibility for receiving supports. Such a vision is predicated on the creation of a holistic,



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comprehensive, and unified person-centered planning process that transcends systems for providing LTSS to individuals with significant disabilities, with a priority focus on CIE and optimal socioeconomic advancement. (STW, IC, PT)

Performance measurement and cross-system accountability protocols must be established to assure that data on supports being provided to supplement and advance CIE outcomes is being collected. Such data should include metrics aimed at measuring the impact of various non-residential LTSS services, wrap-around services, and natural supports in yielding optimal integration, the number of work hours desired, the highest earning potential, and long-term socioeconomic security. (STW, IC,PT)

Congress should authorize the creation of a Ticket to Work demonstration focused on youth with disabilities in transition, to be co-managed by the Administration on Community Living and the Social Security Administration, in partnership with DOL, HHS, and ED. With Congressional approval, the Office of Management and Budget should provide authority for SSA and the other federal partners engaged to waive certain eligibility requirements for participants in the Ticket to Work youth demonstration so they can access services across systems with the goal of maximizing the potential of these transition-age youth with disabilities to achieve CIE and financial independence. (STW, IC)

Based on lessons learned from SSA's Youth Transitions Demonstration, as well as results from other youth-focused employment systems-change initiatives led by other federal

agencies, research shows that there is a need to provide continuity of support for youth as they transition from youth specific systems to adult service delivery systems. IC, STW, Expanding the Ticket to Work model to include and support transition-age youth and younger adults could substantially improve employment outcomes for young people with the most significant disabilities. (STW, IC)

Access to supports that advance CIE outcomes (including but not limited to pre-employment transition services, integrated work-based learning experiences, career planning and job placement services, benefits counseling, and financial capability) for youth with disabilities in transition could increase the probability that youth receiving SSI benefits will eventually transition out of SSI as opposed to remaining enrolled for a lifetime.(STW, IC)

The pilot should permit youth ages 14 to16 to participate and allow continued participation in the demonstration for the duration of the pilots or up to age 30. The demonstration should also evaluate the age range of youth to be included in the expanded Ticket to Work program based on lessons learned from the pilots regarding what works best for youth when starting to work and what supports are needed after transition. (STW, IC)

Participating Employment Networks (EN) serving youth in the children's SSI program will have the opportunity to receive bonus payments based on their success in working collaboratively with schools to place students in part-time and/or summer jobs prior to leaving school and in successful transitioning to CIE after leaving school. Payments should be calculated based on the achievement of milestones calculated by



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SSA specifically for transitioning youth. Schools will be allowed to participate as ENs under the proposed program. (STW, IC)

Youth who are eligible only for the children's SSI program and will never enter the adult SSI program will be eligible for this youth-focused Ticket to Work. (STW, IC)

In addition to the requirements already set forth for all Ticket to Work ENs, entities wishing to participate as a transition EN under the pilot must demonstrate both expertise in providing integrated work-based learning experiences and pre-employment transition services as defined under WIOA for youth with the most significant disabilities. They should be youth-based organizations or entities that possess established relationships and cooperative agreements with youth-based organizations, local school districts and/or institutions of higher education. As Vocational Rehabilitation (VR) agencies possess an existing statutory obligation under WIOA to serve transitioning youth, an emphasis will be placed on establishing additional entities beyond the VR system as transition ENs to help expand capacity beyond VR to serve youth with the most significant disabilities within the children's SSI program who are participating in the youth-focused Ticket to Work program. (STW, IC)

Allowing youth-serving organizations with adequate employment support experience to become employment networks may help reach a new and critical youth population. The expanded Ticket to Work demonstration for youth should, at a minimum, include:

Assistance with developing an Individualized Career Plan that focuses on CIE and long-term objectives to advance economic self-sufficiency,
Career coaching to assist in exploring career options and making good decisions about the best career plan for each individual,
Counseling and guidance on navigating adult systems such as employment supports and healthcare,
Successful career planning to include education on work incentives and financial capability strategies to help youth learn about financial independence and workforce participation,
e. Waivers of certain federal program requirements as necessary (such as the provision of stipends to offset SSI benefit changes during pilot participation. (STW, IC)

f. Use of "pay-for-success" payments or other financial incentive models if the right conditions exist, and
g. Consider a "race to the top" approach for states with graduated payments for high performing sites.

Informed by the findings of previous SSA demonstration projects pertaining to employment and loss of benefits and using the ACCESS (Autonomy, Confidence, Connection, Equality, Status/Skilled, and Safety) framework, SSA should collaborate with federal partners, state governments, and other key stakeholders (advocates, researchers, disability service providers, employment networks, and foundations) to develop and coordinate the implementation of a comprehensive, longitudinal research, systems-change, and policy reform initiative designed to increase the number of SSI/SSDI beneficiaries that become optimally employed⁶³ in CIE while simultaneously maintaining eligibility for income maintenance and essential health benefits as well as preserving access to LTSS



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necessary for self-sufficiency, and maximum socioeconomic advancement. (STW, IC)

The initiative would include the following components: IC, STW, A review of the definition of disability as it affects services across agencies.

SSA and its federal partners should develop and institute policy reforms to better clarify, strengthen, and expand work incentives so that SSI/SSDI recipients and other stakeholders can more readily utilize them to promote and support CIE goals. This expansion should also be accompanied by funding to increase the number of benefits counselors and service providers who have benefits counseling certification. IC, (STW, IC)

With oversight from persons with disabilities and their families to ensure user-friendly language and materials, SSA, in partnership with ED, HHS, and DOL should launch a national education campaign that focuses on distributing informational resources/activities and specific examples of how SSI/SSDI recipients can work and still maintain eligibility for access to cash and health benefits and/or the publicly-financed LTSS necessary to achieving partial independence. Such a campaign should provide information about opening ABLE account to advance CIE and economic self-sufficiency. IC,STW (STW, IC)

Through the development and dissemination of technical assistance, SSA and its federal partners should improve and sustain the capacity of localities, states, and employment networks to bring to scale effective practices (peer mentoring career coaching, apprenticeship, professional development opportunities, financial planning, self-determination, self-advocacy, resource leveraging and systems navigation support).

These practices assist SSI/SSDI recipients in seeking optimal employment, while simultaneously preserving access to any needed ongoing public benefits and LTSS necessary to move toward partial or full self-sufficiency. (STW, IC)

SSA and its federal partners should review the results of providing technical assistance to determine if effective support practices, including financial education and coaching, can divert working age people with disabilities from needing long-term access to SSI/SSDI.

Congress should direct the Social Security Advisory Board [42 U.S.C. § 903] to review the requirements for SSA eligibility, including the definition of disability; recommend changes to align with the expectations in the Workforce Innovation and Opportunity Act (WIOA); and remove unnecessary barriers. The Social Security Advisory Board should then report to Congress on the recommended statutory changes needed to ensure that individuals with disabilities continue to have access to supplemental income but are encouraged and incentivized to maximize their productivity and self-sufficiency with the goal being to reduce overall reliance on SSI or SSDI. (IC)

g. Through additional research, SSA and its federal partners should develop additional recommendations on establishing incentives that offset the cash security value of SSDI or SSI. Examples of potential incentive strategies include but are not limited to an enhanced earned income tax credit, a guaranteed on-ramp to cash benefits as needed for eligible beneficiaries, or the establishment of a guaranteed benchmark to ensure ongoing access to health care coverage and LTSS. IC (IC)



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Research indicates that even among individuals receiving SSDI or SSI who express a desire to become employed and perhaps become self-sufficient someday, many of their decisions and actions related to working and earning money are heavily influenced by their fear of the real or perceived consequences of employment. Typically, the fears individuals experience are described as solely that of fearing the loss of cash and health coverage benefits. While this is a major factor, it is far from the only one.

These can include:

Losing cash and health benefits, financial stability and personal security.

Falling deeper into poverty, debt, dependency, depression, etc. complexity and misunderstanding of SSA rules surrounding work and earnings that are seen as arbitrary and punitive.

Scarcity of Resources, or having “less than” adequate money, time, health and wellbeing, education, skills, work history, options, supports, accessibility, fair chances, friends and other resources. (IC)

Unpredictability and instability in terms of having little control over one’s life and no room for taking risks.

☒ Nonconformity, or going against the cultural norms of what it means to be “disabled”.

Success, and as a result, leaving the familiar behind and exposing oneself to new pressures and demands

Failing, or not measuring up or achieving a goal and being ridiculed and humiliated.

In certain instances, an individual’s disability can cause or exacerbate these responses. SSA and in some cases VR, Medicaid, and others fund Work Incentives Planning and Assistance Project

(WIPA) grant programs and related activities that help individuals better understand and use provisions meant to incentivize their employment and reduce their reliance on cash benefits. When evaluated, WIPAs have proven modestly effective at dispelling fears surrounding loss of benefits. For the most part, however, current efforts address such fears in a circuitous manner by providing information on work incentives. While providing information is necessary, information sharing alone is insufficient in effectively helping address the legitimate and at times perceived fears and barriers experienced by individuals with significant disabilities. (IC)

Steps that could move us in this direction include tasking SSA to work with federal partners, states, the disability community, researchers, foundations and others to develop and coordinate the implementation of a comprehensive, longer-term research and development system change/capacity strategy (5-10 years) that will increase knowledge about, access to and the effectiveness of:

Peer mentoring and support offered by a peer who has successfully navigated returning to, or beginning CIE.

Increasing access to information for youth with disabilities and families about the importance of pursuing employment and employment incentives built into SSI/SSDI, as well as alternatives to SSI/SSDI prior to transition years.

Career coaching, apprenticeship and development opportunities (including but not limited to accessing apprenticeship programs offered through America’s Job Centers).

Financial planning, self-determination, self-advocacy, supported decision making, confidence development and resiliency skill-building activities.



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☑ Assuring ongoing continual access as needed to support navigation through rough patches, relapses and other barriers that may impede optimal self-sufficiency.

Clarifying through increased public messaging to the public, applicants and beneficiaries that receiving SSDI or SSI does not need and should not become a lifetime occupation for those able to earn a better living.

Demonstrating that the government consistently supports, rewards and protects those who earn their way off SSI/SSDI public rolls.

Conducting research and pilots to identify barriers and promising practices for equipping individuals with the abilities, skills, accessible resources and resilience to anticipate, prepare for, adapt to and effectively manage a range of minor and major shocks, changes and events.

Supporting and requiring VR agencies, ENs, WIPAs, Protection and Advocacy for Beneficiaries of Social Security (PABSS) and others to explicitly focus on building the self-confidence, reliance and capabilities of current working beneficiaries so they can take control of their lives, careers and financial independence over the long haul. IC

Tracking the employment and economic status of these workers via a longitudinal survey and using the findings and insights to improve their long-term career prospects.

Identifying alternatives to guardianship and evaluating the impacts of supported decision making.

Engaging federal, state, business, philanthropic and disability community stakeholders in framing and carrying out these efforts.

(IC)

Congress should amend JWOD to fully align the Act with modern federal disability law and policy goals, including the Americans with Disabilities Act, the Supreme Court's Olmstead decision, and WIOA. This amendment should include provisions requiring that CIE be a goal

of participation in the AbilityOne® Program. Key features of an amended JWOD Act should include:

a. New criteria and processes for procurement selection that consider the following:

i. The process for selecting the NPA for a contract should be outside of the purview of the Central Nonprofit Agencies (CNAs), i.e., National Industries for the Blind (NIB) and Source America. (IC)

Additionally, the role and function of the Commission and the CNAs should reflect revisions to the procurement selection processes and to ensure the avoidance of any conflict of interest.

ii. A selection process that allows at least two qualified vendors to be referred to the Commission for each contract in order to enable greater opportunity, transparency, and competition for contracts. Contracts should also be re-competed at prescribed intervals.

Expand opportunities for contractor selection to nonprofit organizations not associated with NIB or SourceAmerica, as well as for-profit companies. An independent study, per Recommendation Number 3 below, should evaluate this and other potential vendor selection criteria, including vendor preferences that might be given to small businesses owned by individuals with disabilities.

iv. A selection process that awards additional preference to vendors who can document they have assisted AbilityOne employees' transition into CIE. (IC, PT)



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The Inspector General staff located at AbilityOne provides oversight and should be involved in the development of a new selection criteria and process.

The composition of the AbilityOne Commission should reflect the diversity of its constituents: At least 50 percent of its members should be individuals with disabilities and experts in disability employment policy and workforce development for people who are blind or have significant disabilities. (PT)

In conjunction with the independent research under Recommendation Number 2 below, the current requirement that 75 percent of the contract hours under AbilityOne be completed by individuals who are blind or have significant disabilities should be considered, and the following be taken into account: The feasibility of measuring the 75 percent ratio or any similar ratio, including recommendations for other program participation thresholds or eligibility criteria.

Changing the ratio of individuals who are blind or have a significant disability to non-disabled individuals working on contracts to avoid congregation of people with disabilities in the workplace and to meet the goal of CIE without reducing the number of jobs available to people with disabilities. (PT)

Introducing pilot projects that substantially reduce the contract hour percentage, as well as authorizing NPAs to increase the percentage of work that may be subcontracted to for-profit companies where there is an obligation for subcontractors to hire AbilityOne participants. New pilots should also test the

awarding of AbilityOne contracts from federal customers to private industries who would be allowed to meet the minimum work hour requirements with CIE opportunities elsewhere in their business outside the contract. All pilots should be subject to independent evaluation to inform future decisions about contract hour requirements. (PT)

Any changes in contract hour percentages or the ratio of workers with disabilities working on AbilityOne contracts or other recommendations for establishing new program participation criteria or measures should be planned in a manner to mitigate unintended harm to current AbilityOne workers -- where career interests and skills are assessed, additional training is provided, opportunities are provided for some employees to experience CIE prior to placement, and employees are updated on their employment options and support services available to them. (PT)

c. Consistent with the intent of the March 2016 AbilityOne Declaration, immediately eliminate the use of the FLSA Section 14(c) certificates for all contractors providing products or services to Federal customers under the AbilityOne Program in order to ensure that all employees receive at least the greater of the federal minimum wage, the state minimum wage or the prevailing wage and receive the benefit of relevant labor law coverage, including the National Labor Relations Act and the full scope of FLSA protections. (PT)

d. Based on the above mentioned reforms, establish new criteria for who is eligible to work on AbilityOne contracts that reflect the following principles:



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i. All individuals with disabilities are presumed employable. Participating in AbilityOne should not be predicated on the belief that employment is not possible for certain individuals except through congregate work conditions and “set aside” federal contracts. (PT)

ii. Eligibility for AbilityOne, that is, the documentation of a significant disability, should be determined independently and not by the NPAs who compete for the federal contracts. Criteria could include, for example: receipt of public disability benefits that require the identification of a significant disability such as SSI/SSDI; receipt of employment services through state vocational rehabilitation (VR), Intellectual/Developmental Disabilities (I/DD), or Mental Health (MH) agency; and/or through designation by the Veterans Administration of a significant disability. A working group, per Recommendation Number 3 below, should evaluate these and other potential eligibility criteria, particularly in light of any reforms to the program. (STW, IC, MH, PT)

Congress should direct and facilitate, through any necessary funding, research on current use of AbilityOne in order to identify:

- a. The extent to which the program is currently servicing the intended, targeted population of individuals who are blind or have significant disabilities and recommendations to increase participation of this population if necessary.
- b. Methods to ensure compliance with any current or newly-established participation threshold in Recommendation 1.c. above, including sources of available data at the state and/or federal level and the feasibility of establishing an internal

AbilityOne data-driven or other tracking/verification process. (STW, IC, PT)

The extent to which the continued separation between the target populations of individuals who are blind and individuals who have significant disabilities is consistent with modern disability policy, and recommendations to unify the two target populations into a single eligibility category, should Congress determine this is more consistent with current disability policy goals.

Resources of available data at the state and federal level to determine AbilityOne’s compliance to established hiring thresholds. Congress should direct the state and/or local entities possessing this data to share it with AbilityOne for these purposes. Where necessary, these agencies should amend or modify their internal rules for data sharing for this specific purpose, as long as the data transfer is compliant with established state and/or federal disclosure laws. (PT)

Congress should authorize an independent third-party evaluation tasked with studying the implementation of the recommendations as submitted herein, and submit a report that identifies and recommends additional policies that may be required to implement the changes necessary to reform the JWOD Act as indicated above. This evaluation should be informed by research, completed within a required frame, and should solicit input from various AbilityOne stakeholders and knowledgeable experts such as:

- Individuals who are current or potential employees under the AbilityOne Program
- Advocates for these individuals



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Subject matter experts on CIE
Government and private sector economists
Representatives from relevant federal agencies
Current or potential AbilityOne vendors
Representatives with in-depth knowledge of the AbilityOne Program
Policy experts on federal policy, including the ADA, Olmstead, and WIOA (IC,PT)

School to work transition (STW) Provider Transformation (PT) Mental Health (MH) Interagency Coordination (IC)

