

August 17, 2016

Advisory Committee on Increasing Competitive Integrated Employment for Individuals with Disabilities  
U.S. Department of Labor  
Suite S-1303  
200 Constitution Ave NW  
Washington, DC 20210  
*Via electronic submission at [www.acicieid.org/comments](http://www.acicieid.org/comments)*

**Re: Advisory Committee on Increasing Competitive Integrated Employment for Individuals with Disabilities, Final Report Dated September 15, 2016**

Dear Distinguished ACICIEID Members:

The American Network of Community Options and Resources (ANCOR) appreciates the opportunity to comment on the final report titled that will be formally submitted to the Secretary of Labor in September.

ANCOR is a national trade association representing more than 1,000 private providers of community living and employment services to more than half a million individuals with intellectual and developmental disabilities (IDD), and employing more than 400,000 direct support professionals (DSPs) and other staff.

**GENERAL COMMENTS**

ANCOR appreciates the extensive work the Committee has put into drafting thoughtful recommendations for its final report. We are supportive of policies and regulations that seek to integrate individuals with disabilities in society and to continue the evolution of the disability rights movement as it continues to progress. We are cognizant, however, that we cannot neglect the challenges that individuals with significant intellectual and developmental disabilities face in achieving competitive, integrated employment.

Our members pride themselves on providing quality services to the community and playing an essential role in the implementation of guaranteed civil rights, including those codified in the Americans with Disabilities Act (ADA) and the subsequent *Olmstead* Supreme Court decision. However, providers face specific obstacles to ensuring that they can provide services that will support these rights. Unfunded federal and state policies, cuts to program funding, and a severe deficit and high turnover in the direct support professional workforce impede upon the ability of our members to provide an array of services to every individual who can benefit from them.

The outcome-oriented goals set forth in the final report are reflective of ANCOR's shared goals, but without commensurate funding that supports a strong workforce, they will not be realized, leaving thousands of individuals with IDD at risk of not reaching their full potential. The Committee makes specific recommendations regarding building and enhancing "natural supports" (supports provided by

family members, friends, and other unpaid individuals). We agree that natural supports must be encouraged and expanded, but given the increasing demand for services that continues to strain an already overburdened service delivery system, we believe that this is an incomplete solution. As a supporting organization of the Recognize, Assist, Include, Support, and Engage (RAISE) Family Caregivers Act of 2015, we know all too well that natural supports are already an overly strained and underfunded option and require significant focus in order to stabilize as we enter the next decade. More resources and thought must be placed into developing and adequately funding paid professionals that can provide employment supports.

### **COMMENTS ON SPECIFIC RECOMMENDATIONS**

**Cross-Agency Collaboration:** We strongly agree with the Committee's recommendation to lead a collaboration of federal agencies to work on policy solutions that will encourage and support increased competitive, integrated employment. We made this recommendation in our prior submitted testimony, and continue to believe that it is vital that agencies whose work touches people with disabilities work closely with one another to ensure that policies and authorities are aligned in a way that will effectively and efficiently support the employment outcomes sought. Of particular importance in this collaborative work is the issuing of regulations and guidance that do not conflict with those of other agencies. Individuals, and the providers that support them, must navigate a complex and often disjointed system of laws, regulations, and funding authorities. Increased collaboration among agencies will help reduce the confusion, redundancy, and conflict that can arise in the absence of such collaboration.

**Enhanced Funding:** The report recommends providing an enhanced federal match rate to states, providers, and/or individuals for CIE outcomes. It also recommends providing time-limited increased federal funding to help transition people from segregated employment settings to CIE. We agree with these recommendations, but caution that the enhanced funding should be in addition to, not in lieu of, existing funding. If existing funding were to be withdrawn prior to transition services and other needed infrastructure being in place, there will likely be a significant impact on people currently receiving services that may result in the loss of these vital supports.

**Data Collection:** We strongly agree with the Committee's recommendation to develop and implement standards for regular data collection and reporting by states. As noted in our prior submitted testimony, the absence of sound data has been an ongoing challenge in our field. Ongoing data collection and reporting of why individuals succeed, and why they fail, in integrated placement settings are crucial for states to use in planning their approach to integrated employment. We agree with the need to collect not only employment outcome data, but also data relating to the utilization of other services (housing, transportation, LTSS, health benefits) in order to better understand the overall impact of employment on peoples' lives. One change that ANCOR will continue to advocate for and hopes the Committee will support is for the Bureau of Labor Statistics under the Department of Labor to begin quantifying data for direct support professionals – currently they quantify for home health aides and personal care aides but do not have specific data on direct support professionals.

**Provider Staff Qualification Standards:** We appreciate and agree with the Committee's recommendation to ensure that service provider staff should have access to training and other professional development resources. We have long advocated for certification standards for direct support professionals, which includes staff providing employment supports. While we agree that there should be common standards in place regarding training, certification, and licensing, we would caution

against any standards being overly restrictive or proscriptive. We represent providers nationwide, and believe that while some specific base standards may be appropriate to put in place on a federal level, that more intensive requirements are more appropriate to be set at the state level. Requiring states to put qualification standards in place within a general framework would be an appropriate approach. We also have taken note in recent federal guidance the absence of disability service providers being included as a key resource of training and professional development opportunities. While external organizations, educational institutions, and other entities may provide vital and important training, we would strongly argue that training provided directly from a provider organization should be an essential component of a training regimen.

**Higher Expectations for Youth:** Although the majority of our members serve adults and are not involved in children's services prior to their aging out of the education system, we appreciate the aspirational goal of presumed employability being the expectation for youth. We reiterate, however, that we hope that policies impacting transitional services and supports are not focused solely on youth, but also provide resources and opportunities for individuals of all ages.

**Assistive Technology:** We strongly agree with the Committee's recommendations regarding guidance necessary to support and expand access to assistive technology. ANCOR is committed to efficient practices and services provided through technology advancement and supporting accessible technologies that allow individuals with disabilities to live more independently.

**Phase-Out of 14(c) Certificates:** The Committee recommends that Congress amend the FLSA to allow for a "well-designed, multi-year phase-out of the Section 14(c) programs that results in people with disabilities entering CIE." Though we agree with the goal of increasing competitive, integrated employment, we have serious concerns about the practical implications of drastically reducing the use of 14(c) certificates if there are not other adequate supports in place. ANCOR supported WIOA, including section 511, which implemented additional requirements for the 14(c) program. We believe these requirements encourage the goals of CIE, while still protecting services for individuals who currently use 14(c) programs. Several states have ended the use of 14(c) programs, and more are exploring phasing out the program. We believe it is appropriate to allow states to make the determination of when the state is prepared programmatically and financially to phase out 14(c) programs for individuals in their systems. We strongly support and share in our own organizational policy priorities the recommendations of the Committee to strengthen the employment opportunities and supports available for CIE, but caution against making significant changes to the use of 14(c) certificates unless or until there are robust, feasible alternatives available.

**Marketplace Capacity/Business Outreach:** We strongly agree with the Committee's recommendations regarding education and outreach to business and industry. Our members know from experience that ensuring a good fit between employee and employer prior to work commencing is one of the best ways to succeed in a job placement. Working with potential employers to help them understand the potential for individuals with significant disabilities to be valuable employees will help to remove barriers that currently exist due to misconceptions about individuals' abilities.

**Transportation:** We strongly agree with the Committee's recommendation to ensure that transportation concerns are addressed. The lack of affordable, accessible transportation continues to be a major barrier to people with disabilities accessing vital services, including employment supports. We agree with the approach laid out in the final report regarding various actions the Department of

Transportation should take to increase the availability and accessibility of transportation for workers with disabilities.

**CONCLUSION**

ANCOR very much appreciates the work of the Committee in developing the final report, and we agree strongly with the outcome goals and the embrace of high expectations for people with IDD that are contained in it. We believe that people with disabilities, including the most significant intellectual and developmental disabilities, deserve to live full lives in the community with the same rights and opportunities that others enjoy. ANCOR appreciates your consideration of our comments on the final report, and we stand ready to provide additional information as the Administration considers the recommendations. Thank you.

Sincerely,

A handwritten signature in cursive script that reads "Katherine Berland".

Katherine Berland, Esq.

Director of Public Policy