February 28, 2008

Christine Marschall
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202

Dear Ms. Marschall:


APSE: The Network on Employment is a national membership organization that works every day to advance employment for people with disabilities. We work to provide strong advocacy for good policy and practice; direct provision of training and technical assistance and support of other venues for the same that result in stronger systems of services and support for the end user – the individual with disabilities. This includes strong marketing and community outreach activities to ensure that our communities embrace their members with disabilities; work with corporate entities to build a welcoming work environment for employees with disabilities; and support to family members, supported employees and the systems that help them along the way to a quality work life.

Training, technical assistance, and continuing education are crucial to achieving solid systems of employment service and support. APSE members have read with a mix of support and concern the Notice of Proposed Priorities published in the Federal Register on January 28 altering the Rehabilitation Continuing Education Program (RCEP). We were pleased to learn that the Department will continue to administer continuing education programs. The RCEP system has been an important component to the supported employment infrastructure in regions across the country, and we commend the Rehabilitation Services Administration (RSA) for issuing proposed priorities to continue this system. However, there are areas of great concern to the APSE membership. We thank RSA for the opportunity to comment on the proposed changes and share these concerns with you. Our comments, including suggestions for important changes, are attached.

Best Regards,

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1. Participation of Continuing Rehabilitation Programs (CRPs)
Perhaps APSE’s most significant concern is the apparent loss of focus on continuing education and the accompanying loss of a clear identification of CRPs as an important focus of the redesigned continuing education program. The Notice of Proposed Priority (NPP) replaces the name Regional Rehabilitation Continuing Education Programs (RRCEPs) with the name Technical Assistance and Continuing Education (TACE) centers. The clear impression is that RSA intends to place a greater emphasis on technical assistance and less on the continuing education aspect of the program than it has in the past. Said another way, the NPP makes the TACE centers an extension of RSA monitoring without regard for TA and continuing education needs of the state VR or CRPs.

Despite the fact that the background information makes clear that agency partners include CRPs and entities outside the VR system, as outlined above the NPP leaves room for doubt about the intent of RSA to include CRPs in any significant way in the new combined system. This is despite the facts that:

1. The CRP-RCEPs were developed to provide training and technical assistance to community rehabilitation partners in close collaboration with the state VR agencies; and
2. CRPs are important partners in the provision of VR services and successful employment outcomes for people with the most significant disabilities.

The reality is that most SE providers struggle for funding to support their clients and have limited resources available to meet the significant staff training needs. The CRP-RCEP training has filled an incredible gap. The training provided by the Region's CRP-RCEPs most certainly directly impacts the quality of services available to the supported employee. Any loss in the current level of participation in the continuing education programs for these providers would affect the successful employment outcomes of VR clients who are referred to CRPs for employment supports.
As an example, the CRP-RCEPs have formed together to create the Association of Community Rehabilitation Educators (ACRE). ACRE has worked diligently to establish a National Certificate in Employment Services based on an approved course of continuing education. This program was designed to ensure quality continuing education programs to CRPs. In fact, the competencies developed by APSE form the foundation of the training curriculum for personnel that provide direct employment supports. APSE hopes that the proposed change to create TACE Centers would not negatively impact the progress that has been made in this continuing education. One recommendation would be to include language in the RFP that supports the continuation of this valuable program.

Many CRPs who participate in CRP-RCEP trainings primarily receive funding from Mental Health and Developmental Disability agencies, with only a portion of their funding from VR. Despite the fact that these resources are being used to train staff who spend the majority of their time on providing services not funded by VR, they critically need access to the services provided by the TACE Centers in order to positively impact the employment outcomes of individuals with significant disabilities. There must be a continued training focus on strengthening the staff that provides direct employment supports to individuals with disabilities. This points more to the need for stronger TA to the VR system so they can collaborate with DD and MH agencies and blend funding for individuals. In fact, the need for the VR system to partner with these CRPs and to engage them in training opportunities is critical to ensure that individuals with significant disabilities continue to have positive employment outcomes.

2. Commitment of Resources

An equally strong concern for APSE is the level of commitment that will continue from RSA for these programs, most especially the commitment of funding. The NPP implies that the total award for each TACE Center would be reduced from the current funding to the general and community rehabilitation continuing education programs combined. Quoting from the ‘background’ section of the Notice of Proposed Priority, "The reduction of overhead costs resulting from combining the two types of RCEPs would enable more RSA funds to be devoted to providing technical assistance and continuing education." There is no indication of the amount of money that will actually be allotted for this purpose. Combining the general and CRP-RCEP functions under a single TACE center must be supported with at least the same level of funding that the separate programs had in the past. It is not reasonable to combine two significant and important responsibilities under a single entity without providing the essential funds needed to carry out both functions that are currently met by the two RCEPS. APSE takes seriously comments that we have received from our members who are a part of the current RCEP system that “any reduction in combined funding will directly result in a reduction in our ability to provide technical assistance and continuing education to rehabilitation practitioners…” Paragraph 1 of the Proposed Priority states in part:

1. Establish, in consultation with RSA, an annual work plan describing activities that the center will conduct to assist State VR agencies to accomplish the goals identified in their VR State plans and to achieve other performance and compliance goals identified by RSA's monitoring reports....
The language contained in paragraph 1 includes no mention of the state agency or any partners in the development of the TACE centers’ work plan. The language conveys the idea that RSA will monitor a state agency, and based on its findings, technical assistance and continuing education interventions will be identified. While we have no problem with the TACE centers being used to provide TA to state VR agencies in need of educational interventions, we find this a very limited approach to technical assistance and continuing education. Monitoring report findings should inform the centers and help them in designing a TA plan, but should not play a pivotal role in establishing the training programs for the centers.

Paragraph 2 of the Proposed Priority states:

2. Conduct an annual needs assessment to identify technical assistance and continuing education needs of State VR agencies and agency partners in its region, as applicable. Each center must base its annual needs assessment on a thorough review of VR State plans, on-site monitoring reports and annual review reports issued by RSA, other performance and compliance information available from RSA and State VR agencies, and other data, as appropriate.

Currently, both the general RCEP and the CRP-RCEP work plans have traditionally been driven by the needs of the constituency served. It now appears that the work plan would be RSA driven rather than state agency or constituency driven.

The NPP changes this well thought out balance by linking the needs assessment to a limited, prescribed list of sources of information, heavily oriented to RSA performance data and monitoring findings, notwithstanding the reference to “other data, as appropriate.” This implies that the role of the TACE centers is to serve only the state VR and does not consider the needs of partner agencies for training and technical assistance. In most states, VR agencies work with a wide range of partners including CRPs. An assessment of the technical assistance and continuing education needs of a state must recognize the interrelatedness of the service delivery system including the state VR agency and all community partners. When the constituency drives the need, the issues are thoroughly investigated and negotiated and effective strategies can be developed to address them.

Paragraph 3 of the Proposed Priority states in part:

3. Establish a center advisory committee to provide input on the annual needs assessments conducted by the center.

Note: Members of minority groups are listed in 34 CFR 385.40 as one of the categories of mandatory participants on rehabilitation training advisory committees. However, the Department intends to publish a notice of proposed rulemaking (NPRM) to amend 34 CFR 385.40, which would remove the requirement that an applicant include members of minority groups on all project advisory committees. The NPRM would add a requirement that an applicant include individuals who are knowledgeable about the special needs of individuals with
disabilities from diverse groups, including minority groups. The purpose of this change would be to more clearly reflect the intent of the Department that project advisory committees include individuals who are familiar with the needs of individuals with disabilities from diverse groups, rather than individuals who are just members of such groups.

Without clarification, APSE has serious concerns with the notation of intent to change the regulation regarding minority representation. We consider it a serious step backward. The idea that “individuals who are knowledgeable about the special needs of individuals with disabilities from diverse groups” can represent minority individuals is viewed as patronizing at best. The implication is that minority representatives have been "token" rather than valued members of the advisory committees. The change should require that anyone claiming to represent the needs of minority individuals with disabilities must themselves be from a minority background.

Paragraph 4 of the Proposed Priority states:

4. Participate as an observer in RSA’s triennial monitoring of State VR agencies in its region by attending, at a minimum, each State VR agency’s monitoring exit conference in order to gain a thorough understanding of each State VR agency’s technical assistance and continuing education needs.

The requirement that a TACE Center must be represented at “each State VR agency's monitoring exit conference,” further reinforces the idea that the purpose of the TACE Centers is to serve solely as an extension of RSA in resolving deficiencies identified in its monitoring. No mention is made of CRPs or any other partners. The final priorities must include strategies for equal consideration given to the CRPs and any other partner providing employment supports and services to customers of the VR system.

Conclusions:

The NPP refers to improving the quantity and quality of employment outcomes:

“… RSA has enhanced its program monitoring of State VR agencies to not only evaluate program compliance, but also to assist State VR agencies to improve the quantity and quality of employment outcomes for individuals with disabilities.”

It would be hard to argue with this goal; however, there is no national definition of what constitutes high quality employment for people with disabilities. This leaves unclear what is meant by the goal of improving the quality of employment outcomes for VR consumers. People with disabilities may, and often do, differ from RSA and state VR in their view of quality employment outcomes. APSE is concerned that state VR agencies are being pushed even farther in the direction of efficiency measures—measures that have led to rationing services and tracking people with disabilities into predictable, low-wage, low-skilled jobs and provides disincentives for the state agency to provide quality supported employment to individuals for whom an “acceptable” measure would be considered too “staff and resource intensive”.