



ASSOCIATION OF UNIVERSITY CENTERS ON DISABILITIES  
THE LEADERSHIP, EDUCATION, ADVOCACY & RESEARCH NETWORK

The Honorable Patty Murray, Chair  
Senate HELP Committee  
United States Senate  
Washington, DC 20510

The Honorable Richard Burr, Ranking Member  
Senate HELP Committee  
United States Senate  
Washington, DC 20510

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April 9, 2021

Dear Chair Patty Murray and Ranking Member Richard Burr

The Association of University Centers on Disabilities (AUCD) writes in response to the request for stakeholder comments on workforce innovation to address lost jobs in the COVID-19 pandemic. AUCD supports and promotes a national network of university-based interdisciplinary programs with the mission to advance policies and practices that improve the health, education, and social and economic well-being of all people with developmental and other disabilities, their families, and their communities by supporting our members in research, education, health, and service activities that achieve our vision.

While the COVID-19 pandemic has impacted employment, services, community, and quality of life for individuals worldwide, people with disabilities have been particularly hard hit. This is especially true for those at the intersection of disability and race, ethnicity, poverty, and immigration. The employment rate for people with disabilities was low before COVID-19, but dropped significantly at the start of the pandemic and continues to slowly try to regain even its previous low rate. Many hard-won jobs of people with disabilities have disappeared and some will never come back as the job market itself changes and new barriers to people with disabilities are discovered. In some jobs, the very nature of the work has changed as well as the environment, and people with disabilities will need targeted assistance in adapting to those changes. Finally, the barriers to employment that existed before the pandemic will continue to exist after it is over unless affirmative changes are made to the workforce environment and supports for people with disabilities. For most people, work provides a pathway to engage in our society's economic and social institutions; however, employment of people with disabilities continues to lag significantly behind those without disabilities and the pandemic has made that worse, while also providing Congress an opportunity to make significant change to the paradigm that keeps people with disabilities segregated and outside of the workforce.

AUCD's recommendations to address some of those barriers and build additional supports are listed below:

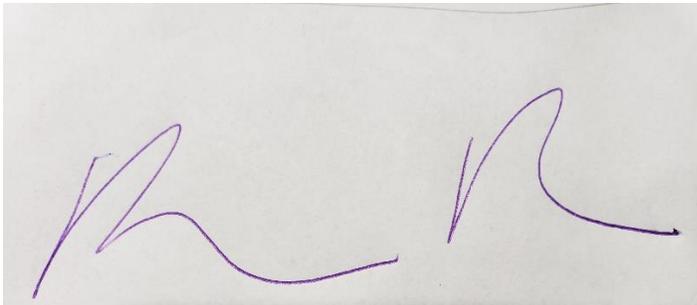
- End Section 14(c) certificates and the payment of subminimum wage under the Fair Labor Standards Act.
  - Concerns raised by those providing 14(c) certificates and segregated job supports should be redirected to plan for transformation to competitive integrated employment.

- Provide help to states to build their infrastructure and to transform their systems to increase competitive integrated employment, such as that provided in the Transformation to Competitive Integrated Employment Act. Provider and system transformation is important for success.
- It is critical that those states that have eliminated 14(c) and/or closed sheltered workshops be included in legislative and policy efforts focused on transformation. The work is not completed and lessons continue to be learned to ensure a move to competitive integrated employment and prevent movement to non-work day services.
- Building on competitive integrated employment and pre-ETS funding under WIOA, by ending 14(c) Congress can further transform the system that moves students from IDEA services to competitive integrated work in the community and away from the old segregated, subminimum model.
- Preserve and protect the move to competitive integrated employment for people with disabilities in the community under Title IV of the Workforce Innovation Opportunity Act (WIOA).
  - The definition of “competitive integrated employment” in WIOA has provided common language that is increasingly used across systems and is inclusive of supported and customized employment, key for many people with the most significant disabilities. This must be preserved, and that bar must not be lowered.
  - Pre-Employment Transition Services (Pre-ETS) is resulting in new partnerships between vocational rehabilitation and schools, and more importantly a stronger and more consistent focus on preparing young people with disabilities for employment, just as WIOA intended. Continuation of these services and the 15% set aside is imperative at this stage in implementation of WIOA.
  - While not as strong as it could be, Section 511 of WIOA sends a message that subminimum wage employment should no longer be the default for people with disabilities, particularly those with intellectual disabilities. WIOA must continue to move people successfully toward competitive integrated employment. Clearly continued emphasis on this goal must include ending 14(c) certificates (see above) while preserving WIOA priorities.
- Expand opportunities for pre-apprenticeship and apprenticeship programs for people with disabilities.
  - Apprenticeships must be fully inclusive of people with all disability types, including those with significant disabilities and those with intellectual and developmental disabilities, and all ages – adults and youth. Such an expansion of apprenticeships to include people with disabilities of all types provides opportunities in all types of employment, including many not previously open to people with significant disabilities.
  - Changes to national apprenticeship legislation must include clear language that emphasizes participation of people with disabilities in apprenticeships as a priority and requires stronger tracking and evaluation of participation by people with disabilities in apprenticeship programs.
  - National apprenticeship legislation needs to include resources for innovative efforts regarding inclusion of people with disabilities in apprenticeship such as pilot projects that encourage local partnerships to provide necessary guidance and support to apprenticeship programs to ensure the success of participants with disabilities.

- The Americans with Disabilities Act (ADA) must be applied as the floor for access in apprenticeship programs. Better would be to apply Universal Design for Learning (UDL) principles in addition to ADA. Areas of accessibility must include, but not be limited to, language, recruitment, technology, program accessibility, communications, physical access.
- Opportunity to provide a new option for post IDEA and for VR systems to engage with Universal Design for Learning (UDL) in apprenticeship. Apprenticeships with UDL in mind would benefit people with disabilities as well as immigrants, those with limited English, people from a diverse racial and ethnic background.
- Expand opportunities for people with disabilities in new and changing job categories and as part of the pool of workers dislocated due to the pandemic
  - Provide additional supports, education, services, and programming to people with disabilities either through the vocational rehabilitation system (VR) or via new programming to assist those unemployed or underemployed due to the pandemic and those who need to increase or change their employability skills due to changes in the workforce as a result of the pandemic.

As the global workforce changes post COVID-19, the employment of people with disabilities must change with it. This includes looking at opportunities in the industries that have grown, sometimes exponentially, as well as the results of loss of employment in ones that have been decimated. We must examine which sectors are likely to have the most new opportunities for workers post-COVID and how to help workers transition to these opportunities. And all of this must be in the context of the move to competitive integrated employment. AUCD stands ready to assist in this process to make employment in the community for people with disabilities flourish for years to come.

Sincerely,

A handwritten signature in purple ink, appearing to read 'Rylin Rodgers', is shown on a white background. The signature is fluid and cursive, with a large 'R' at the beginning and a long, sweeping tail.

Rylin Rodgers

Policy Director