



**CPSD**  
*Real lives. Real work.*

Collaboration  
to Promote  
Self-Determination

## Collaboration to Promote Self-Determination 2023-24 Administrative Priorities for the Biden Administration

CPSD is an advocacy network of national organizations who have come together to bring about a significant modernization of the federal adult system of services and supports for Americans with disabilities. The following recommendations provide a brief synopsis of CPSD's administrative priorities, divided by federal agency.

### CPSD Requests for the U.S. Department of Education

#### ***OSERS/RSA***

- Provide additional technical assistance to state VR agencies on the use of evidence-based practices related to the successful provision of Pre-Employment Transition Services (Pre-ETS) requirements and incentivize the use of the 15% funding allocation reserved for youth and young adults with significant disabilities in transition toward the expansion of Pre-ETS.

#### ***OSERS/OSEP***

- Improve implementation of IDEA's transition requirements to incentivize the adoption and implementation of evidence-based strategies that focus on CIE and inclusive higher education outcomes for individuals with the most significant disabilities, and models for sustaining these strategies.
- Expand inclusive higher education opportunities in partnership with OPE and the Department of Labor.

#### ***OPE***

- Expand the expectations and requirements of Transition and Postsecondary Programs for Students with Intellectual Disabilities (TPSIDs) to prioritize more inclusive models and full student access to all educational and career-development resources available to other students without disabilities.
- Fund the development and dissemination of resources and strategies to use in developing student learning outcomes in all areas (academic, career/technical, and independent living) for students in Comprehensive Transition and Postsecondary Programs (CTPs) for students with intellectual disability.
- Fund the development and dissemination of resources and strategies to use in determining what an individual student with ID is expected to learn, and how to assess progress in traditional classes, based on best practice. Such resources and strategies are needed to determine student progress in all areas (academic, career or technical, and independent living).
- Fund research on the impact of student status on access to and participation in services and social and recreational activities, and how the issue of student status will affect the development of the accreditation process and best-practice guidelines.

- Correct the misinformation provided to Transition and Postsecondary Programs for Students with Intellectual Disabilities (TPSID) applicants and on the Department website regarding the definition of ID. The definition needs to be in accordance with the ID definition in the Higher Education Act (HEA) law and regulations (that state how to document an ID if the student is not identified as having an ID in K–12 education).
- Develop a method to create an equitable geographic distribution and to serve underserved areas for future TPSID grants, as required by the HEA.
- Include the competitive preferences required in the HEA in the next Request for Proposals for TPSID grants.
- Review the selection of and training provided to CTP peer reviewers to ensure that there is a clear understanding and application of the definition of ID and other provisions in the law and regulations.
- Highlight and broadly share employment and other positive outcomes of comprehensive transition and postsecondary education programs.
- Highlight and broadly share examples of collaboration between vocational rehabilitation agencies and programs and examples of collaboration between local education agencies and programs.

## CPSD Requests for the U.S. Department of Labor

### *Bureau of Labor Statistics*

- Develop new labor categories based on the diverse characteristics, competencies, and areas of specialization of the direct support professional workforce, differentiating job developers, customized employment specialists and job coaches from less experienced or skilled DSPs.

### *Employment and Training Administration*

- Expand opportunities for career training, experience and skills development through workforce innovation funding and scale evidence-based strategies previously invested in by the agency through the workforce system’s career pathways infrastructure to focus more intentionally on supporting individuals with disabilities regardless of whether they are eligible for VR services.
- Work with stakeholders on developing alternative glidepaths for individuals with the most significant disabilities to pursue careers in high-growth industries.

### *Office of Disability Employment Policy*

- Reinvigorate efforts to fully implement the WIOA ACICIEID report, including co-leading an interagency task force on CIE with HHS’ Administration for Community Living.
- Expand and strengthen ODEP provider transformation and *Employment First* initiatives, with a focus on assisting providers who have made program changes due to COVID-19.
- Work with OSERS, ACL and CMS on any funding ODEP receives to implement systems-transformation efforts focused on building the capacity of direct support professionals and community rehabilitation providers to transition away from congregate facility-based day models to focusing solely on HCBS related to CIE and socioeconomic advancement of individuals with the most significant disabilities.

### *Office of Federal Contract Compliance Programs*

- Improve enforcement of Section 503.
- Align the requirements of Section 503 with Section 501, including creating subgoals around people with targeted disabilities.

### *Wage and Hour Division*

- Expand and strengthen enforcement of 14(c) violations, including strengthening the process for determining issuance and renewals of certificates.
- Initiate administrative action to place a moratorium on issuance of new 14(c) certificates.
- Collaborate with Department of Justice’s Civil Rights Division on *Olmstead* enforcement regarding sheltered workshops.

## CPSD Requests for the U.S. Department of Health and Human Services

### ***Administration for Community Living (ACL)***

- Restart implementation of the WIOA Advisory Committee report, including by co-leading an interagency task force on disability employment with DOL's Office of Disability Employment Programs. Key recommendations of highest interest for the CPSD includes:
  - Provider Transformation & Capacity Building
  - Direct Support Professional Capacity Building and Competency Development in CIE
  - Enacting a Ticket-to-Work Model for Youth in Transition
  - AbilityOne Reform
- Support and expand ACL funding for disability employment systems-change initiatives.

### ***Centers for Medicare & Medicaid Services (CMS)***

- Provide TA to states implementing the HCBS Settings Rule to expand CIE.
- Clarify that community-based organizations providing Medicaid-funded HCBS and serving as an employer to individuals with disabilities cannot serve in dual roles for the same individual.
- Collaborate with RSA to issue guidance that clarifies that Medicaid-HCBS eligible individuals currently on waiting lists to receive vocational rehabilitation services are eligible to begin receiving supported employment services through a Medicaid HCBS waiver, as VR wait lists meet the qualification that Medicaid would be a payer of last resort.
- Prioritize MFP state proposals to use supplemental funding under the MFP HCBS Capacity Building Initiative to focus on expanding CIE and rebalancing of congregate prevocational/day services.
- Support COVID-19 relief for HCBS providers, with an emphasis on supporting the expansion of CIE models.

## CPSD Requests for the U.S. Department of Justice, Civil Rights Division

- Reinstate DOJ's *Olmstead* Guidance related to state's employment systems, modeled off the guidance issued in October of 2016.
- Bring additional *Olmstead* enforcement actions related to states' overreliance on segregated employment and day services and to expand opportunities for CIE.

## CPSD Requests for the National Council on Disability

- Continue serving as a federal interagency coordinator of collaboration and coordination efforts around implementation of the ABLE Act nationwide.
- Continue to prioritize policy efforts to eliminate section 14(c) of the FLSA and AbilityOne overhaul.

## CPSD Requests for the White House Domestic Policy Council

- Prioritize disability in economic recovery and workforce development measures, as well as focus on prioritizing disability in the Community Reinvestment Act.
- Include significant, targeted resources in any federal infrastructure restoration agenda to focus on overhauling HCBS provision to assure sufficient capacity of community-based organizations in offering inclusive, individualized services and supports and reduce their reliance on institutional and facility-based congregate settings.