



March 28, 2023

Chair Foxx
Committee on Education & The Workforce
Washington, DC 20515

Ranking Member Scott
Committee on Education & The Workforce
Washington, DC 20515

Dear Chair Foxx and Ranking Member Scott,

The Collaboration to Promote Self-Determination (CPSD) thanks you for holding the hearing “Unleashing America’s Opportunities for Hiring and Employment” and submits this statement for the record. Founded in 2007, the Collaboration to Promote Self-Determination (CPSD) is a national advocacy coalition of organizations representing people with intellectual, developmental, and other disabilities and their families, disability service agencies, and other individuals with experience and expertise. The mission of CPSD is to push for major systemic reform of the nation’s disability laws and programs to advance economic security, enhance integrated community participation, and increase opportunities for people with disabilities so that they can lead self-determined lives.

Unleashing America’s opportunities for hiring and employment is critical to ensure that our nation remains competitive and at the forefront of innovation. We believe that people with disabilities, including those with significant disabilities, remain an untapped labor pool that would undoubtedly contribute to the economic gains of our nation. Not only are people with disabilities an important partner in the economic landscape, Congress made clear in the Americans with Disabilities Act (ADA) that the Nation's proper goals regarding individuals with disabilities are to assure equality of opportunity, full participation, independent living, and economic self-sufficiency [emphasis added] for such individuals¹. While progress on the employment of people with disabilities has been made, more still needs to be done.

One concrete step the Committee can take to help unleash the potential of people with disabilities is to dispense with vestiges of the past. For example, Section 14(c) of the Fair Labor Standards Act (FLSA), which allows payment of subminimum wages to

¹ Pub. L. 101-336

people with disabilities, runs contrary to the intent of the ADA and the will of the broader disability community. Ranking Member Scott and Representative Cathy McMorris Rodgers' Transformation to Competitive Integrated Employment Act (TCIEA) takes a thoughtful and common-sense approach to the issue of subminimum wages by phasing Section 14(c) out over five years while also providing States, service providers, subminimum wage certificate holders, and other agencies with the resources they need to create competitive integrated employment (CIE) service delivery models and the inclusive wraparound services that some individuals with disabilities will need when subminimum wages phase out. This approach will better ensure that individuals are not impacted negatively during this transition and have the opportunity to work in CIE. We urge the Committee to take up this bill and pass it.

Another area of focus that we recommend to the Committee is apprenticeships. Registered apprenticeships resulting in an industry recognized credential pose a particular problem for individuals with intellectual disabilities (ID). The Higher Education Opportunity Act (HEOA) specifically and intentionally omitted the requirement for students with intellectual disabilities to attain traditional degrees or certificates². Instead, HEOA authorizes a new type of postsecondary credential for these students². However, despite this intentional omission and different postsecondary credential available to students with ID, many students with intellectual disabilities are shut out of the apprenticeship system because they are not pursuing a recognized postsecondary credential². We recommend that the Committee address this issue through the National Apprenticeship Act by ensuring that in a reauthorization, the statute identify and address barriers to participation in apprenticeships by youth and adults with ID and other significant disabilities and include and prioritize the implementation of evidence-based models for such individuals to meaningfully participate in apprenticeships.

Again, we thank you for holding this important hearing. Should you have any questions, please contact Cyrus Huncharek at cyrus@ndscenter.org.

Sincerely,

Association of People Supporting Employment First (APSE)
Association of University Centers on Disabilities
Autism Society of America
CareSource
Center for Public Representation
Community Options, Inc.
Marc Gold & Associates
National Center for Learning Disabilities
National Disability Rights Network (NDRN)
National Down Syndrome Congress
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² Lee, S., Rozell, D., & Will, M. (2018). Addressing the Policy Tangle: Students with Intellectual Disability and the Path to Postsecondary Education, Employment and Community Living. Washington, DC: Inclusive Higher Education Committee.