



May 4, 2020

The Honorable Lamar Alexander
Chairman
Committee on Health, Education, Labor, and
Pensions
United States Senate
455 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Patty Murray
Ranking Member
Committee on Health, Education, Labor, and
Pensions
United States Senate
154 Russel Senate Office Building
Washington, DC 20510

The Honorable Robert “Bobby” Scott
Chairman
Committee on Education and Labor
United States House of Representatives
1201 Longworth House Office Building
Washington, DC 20515

The Honorable Virginia Foxx
Ranking Member
Committee on Education and Labor
United States House of Representatives
2462 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Alexander, Chairman Scott, Ranking Member Murray, and Ranking Member Foxx:

I write to you regarding Secretary DeVos’s report required under Section 3511(d)(4) of the Coronavirus Aid, Relief and Economic Security (CARES) Act. The National Federation of the Blind is pleased that no objectionable waivers undermining the educational rights of blind students were included in the report. This correspondence highlights two of the Department of Education’s recommended waivers, along with two additional legislative proposals to Congress that would improve the lives of blind Americans and students with disabilities. As President of the largest organization of blind people in the United States, I urge Congress to incorporate these four waivers in upcoming coronavirus legislation.

We commend Secretary DeVos for including “explicit authorization for Part C services to continue during the delayed Part B transition evaluation timeline”, so that children with disabilities are eligible for Part C services until a determination is made for Part B services. Prior to this national crisis, toddlers with disabilities would often go without services for weeks after their third birthday simply because their evaluation, determination of eligibility, and overall transition to Part B services were not conducted in a timely manner. As such, the National Federation of the Blind recommends the granting of this waiver, so that toddlers with disabilities may continue to receive Part C services during these unprecedented times.

We also recognize that Part B services have been impacted by this national crisis, and students with disabilities who are close to exiting services, due to age or high school graduation, need those missing services so that they will be prepared for post-secondary education, post-secondary employment, and living independently. We urge Congress to extend Part B eligibility for services

for twelve months after a local education agency's resumption of in-person instruction or eighteen months after the end of the child's IEP eligibility (based on age or graduation from secondary school), whichever occurs later by granting transition waivers to all students within twelve months of exiting IEPs: Section 612(a)(1)(A) of the IDEA (20 U.S.C. § 1412(a)(1)(A)).

We agree with the Secretary of Education's proposed waiver authority under the Rehabilitation Act, which allows the use of FY2020 vocational rehabilitation funds to replace spoiled and expired supplies for Randolph-Sheppard businesses following the COVID-19 emergency. This will aid blind vendors in reopening Randolph-Sheppard facilities after the pandemic.

In addition to the Secretary's recommendation above, we urge Congress to grant a waiver to the Rehabilitation Act allowing states to spend rehabilitation funds to ensure a fair minimum return for all Randolph-Sheppard vendors. We propose the below language, which states, "State agencies designated by 20 U.S.C. 107(a)(5) may use funds appropriated pursuant to 29 U.S.C. 701 Sec. 110 to assure a fair minimum return to blind vendors operating vending facilities on federal and other properties for a period of time not to exceed September 30, 2021." This will ensure that blind merchants are provided a fair and equal opportunity to strengthen and maintain their businesses long after this unique national emergency.

These waivers will improve educational opportunities during the COVID-19 pandemic and will protect students with disabilities whose needed services were adversely impacted by unplanned school closures. They will also help Randolph-Sheppard entrepreneurs reopen their business, return to work, and employ their workforce. We thank you for your thoughtful consideration and are happy to provide any additional clarification should it be necessary.

Sincerely,



Mark A. Riccobono, President
National Federation of the Blind

CC: The Honorable Betsy DeVos, Secretary, United States Department of Education