

National Indian Health Board



Submitted via: <http://www.regulations.gov>

June 12, 2015

Secretary Arne Duncan
Attn: Janet LaBreck
U.S. Department of Education
400 Maryland Avenue, SW, Room 5086
Potomac Center Plaza
Washington, DC 20202-2900

Re: Comments on American Indian Vocational Rehabilitation Services Program (ED-2015-OSERS-0001)

Dear Secretary Duncan:

On behalf of the National Indian Health Board (NIHB), thank you for the opportunity to comment on the proposed rules resulting from the Workforce Innovation and Opportunity Act (WIOA); specifically, the proposed regulations for the American Indian Vocational Rehabilitation Services Program (AIVR).

Established in 1972, NIHB is a 501(c)(3) not for profit, charitable organization providing health care advocacy services, facilitating Tribal budget consultation and providing timely information, and other services to all Tribal governments. Whether Tribes operate their own health care delivery systems through contracting and compacting or receive health care directly from the Indian Health Service (IHS), NIHB is their advocate. NIHB also conducts research, provides policy analysis, program assessment and development, national and regional meeting planning, training, technical assistance, program and project management. These services are provided to Tribes, Area Health Boards, Tribal organizations, federal agencies, and private foundations. The NIHB presents the Tribal perspective while monitoring, reporting on and responding to federal legislation and regulations. It also serves as conduit to open opportunities for the advancement of American Indian and Alaska Native health care with other national and international organizations, foundations corporations and other in its quest to build support for, and advance, Indian health care issues.

We set out our comments and suggestions below.

1. Section 361.5(c) (25) – Definition of Indian, American Indian, Indian American and Indian Tribe

This proposed rule expands the definition of eligible applicants for the American Indian Vocational Rehabilitation Services Program to include ‘tribal organizations’ as defined in the Indian Self-Determination and Education Assistance Act (25 U.S.C 450 (b) (1))

We believe that our nation's long-standing policy on Tribal sovereignty and self-governance should govern the proposed rule in this Section. In keeping with this, we strongly recommend that separate 'tribal organization' applicants who propose to serve American Indian members of a specific tribe or tribes, must, as a requirement, obtain that Tribal government's approval for submitting an application.

- **We strongly recommend that the Department institute a policy that permits Tribal governments to designate only one entity as the applicant/recipient of the AIVRS funding. This is in keeping with the proposed definitions in 34 CFR part 371; *Tribal Vocational Rehabilitation Program* which refers to the program as a unit designated by the governing bodies of an Indian Tribe, and the definition of *Representatives of the Tribal Vocational Rehabilitation program* and the Tribes without the authority to control and designate their own applicants will find these new definitions meaningless.**

Section 361.24 – Cooperation and Coordination with Other Entities re: Transition of Students and Youth with Disabilities.

This section requires the State VR agency (the DSU) to coordinate pre-employment transition services with AIVRS projects in the State. We do not believe this goes far enough to serve the hundreds of thousands of American Indian students and youth with disabilities at high risk for suicide, incarceration and school dropout, within and outside the education system.

- **We strongly recommend that the DSU be required to enter into formal interagency agreements with AIVRS and with Tribal Education Agencies located in the state. We strongly recommend that AIVRS and Tribal Education Agencies appear throughout the proposed regulations governing the new transition services provisions.**
- **Finally, we recommend that the DSU be required to document how equitable pre-employment transition services will be provided to American Indian students with disabilities, and how services to American Indian students with disabilities will be incorporated into the budgeting and spending plans for the State's 15% set aside for Transition of Students with Disabilities.**

Thank you again for the opportunity to this proposed rule regarding the WIOA. We look forward to working with you on this.

Sincerely,



Lester Secatero, Chair
National Indian Health Board