



## Interagency Agreement Language Examples

*The examples provided in this document are not to be utilized as a template, but rather as an example for States to use in crafting their own agreement language*

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## **1. Title of the Agreement**

### **Example One:**

This Agreement shall be known as the Interagency Agreement between the Division of Vocational Rehabilitation, Department of Labor; Exceptional Children & Early Childhood Education Group, State Department of Education; Local Education Agencies; and Charter Schools Serving Children with Disabilities.

### **Example Two:**

State Educational Agency (SEA) Agreement Department of Human Services Division of Vocational Rehabilitation and The Department of Education Special Education Services

## **2. Parties Involved/Authority**

### **Example:**

Both the Individuals with Disabilities Education Act (IDEA) and the Rehabilitation Act of 1973 (the Rehabilitation Act), as amended by the Workforce Innovation and Opportunity Act (WIOA), require State Educational Agencies (SEA) and Vocational Rehabilitation (VR) agencies to plan and coordinate transition services, as well as pre-employment transition services for students with disabilities through a formal interagency agreement (Section 612(a)(12) of the IDEA and Section 101(a)(11)(D) of the Rehabilitation Act). Additional references used in this document include Sections 113 and 511 of the Rehabilitation Act, and the final implementing regulations: State Vocational Rehabilitation Services Program; State Supported Employment Services Program; and Limitations on Use of Subminimum Wage (34 CFR Parts 361, 363, and 397).

The XX Department of Employment, Training and Rehabilitation, Rehabilitation Division's Bureau of Services to Persons who are Blind or Visually Impaired and/or (if only one VR agency in a state) Bureau of Vocational Rehabilitation (jointly called "XX VR") and the XX Department of Education (XDE) hereby define their relationship including their respective roles and responsibilities to a student with a disability.

## **3. Purpose**

### **Example One:**

To facilitate and coordinate the receipt of pre-employment transition services, transition services and other XX VR services to students with disabilities who are eligible or potentially eligible for VR services in order to facilitate their smooth transition from school to post-school employment-related activities and competitive, integrated employment.

To serve as a mechanism for XX VR, the SEAs and, as appropriate, local education agencies (LEAs) to clearly specify the plans, policies and procedures for coordinating services to facilitate the transition of students with disabilities who are eligible or potentially eligible for VR services, including:

- Pre-employment transition services;
- Consultation and technical assistance to assist the XDE in planning for the transition of students with disabilities from school to post-school activities, including pre-employment transition services, transition services, and other vocational rehabilitation services;
- Transition planning by XX VR and educational personnel that facilitates the development and implementation of a student's individualized education plan (IEP);
- Outreach to and identification of students with disabilities and assessment of their potential need for transition services and pre-employment transition services;
- Documentation requirements set forth in section 511 of the Rehabilitation Act with regard to students with disabilities who are seeking subminimum wage employment.
- Assurance that neither the SEA nor the LEA will enter into an arrangement with an entity holding a special wage certificate under section 14(c) of the Fair Labor Standards Act for the purpose of operating a program under which a youth with a disability is engaged in work at a subminimum wage;
- Criteria for determining and assigning the financial and programmatic roles and responsibilities of each agency for the provision of pre-employment transition services and transition services to students with disabilities. The criteria may include:
  - Purpose of the service;
  - Customary service; and
  - Eligibility for services; and
- Grievance procedure to resolve disputes between XX VR, the SEA, or LEA, as appropriate, as well as procedures to resolve disputes between an individual with a disability and the entities specified above, and information about the Client Assistance Program.
- Nothing under title I of the Rehabilitation Act shall be construed as reducing a LEA's obligation under the IDEA to provide or pay for transition services that are also considered special education or related services and that are necessary for ensuring a free appropriate public education (FAPE) to children with disabilities.

**Example Two:**

State Vocational Rehabilitation Services, hereafter known as SVRS, and the State Department of Education, hereafter known as the SDE, both share responsibility to prepare students with disabilities for successful competitive integrated employment. The purpose of this agreement is to facilitate the integration and coordination of transition services from school to post-secondary education and/or employment, for individuals with disabilities who are enrolled in secondary education and are eligible, or potentially eligible, to receive vocational rehabilitation services. Specifically, the intent of this agreement is to:

- Define the responsibilities of both division within a tiered system of support;
- Provide for efficient and effective utilization of agencies' resources;
- Minimize duplication; and,
- Delineate a basis for continuous, effective working relationships between the two agencies.

**4. Assurances**

**Example One:**

This Agreement requires the sharing of information, including required documentation and data between VR and SDE. Information about clients of VR and students from LEA's will be released in conformance with regulations governing confidentiality of personally identifiable information.

**Example Two:**

Neither the XX Department of Education nor a local education agency in xx will enter into an arrangement with an entity holding a special wage certificate under section 14(c) of the Fair Labor Standards Act for the purpose of operating a program under which a youth with a disability is engaged in work at I a subminimum wage.

**5. Construction Clause**

Nothing under title I of the Rehabilitation Act shall be construed as reducing a LEA's obligation under the IDEA to provide or pay for transition services that are also considered special education or related services and that are necessary for ensuring a free appropriate public education (FAPE) to children with disabilities.

## **6. Consultation and Technical Assistance**

### **Example One:**

XX VR will provide consultation and technical assistance to the SEAs and LEAs to assist in planning for the transition of students with disabilities from school to post-school employment-related activities, pre-employment transition services, and competitive, integrated employment. The consultation and technical assistance provided to SEAs and LEAs by XX VR may be provided through alternative means, such as conference calls, video conferences as well as shared in-person training opportunities. Examples include joint training opportunities, sharing conference opportunities, being a strong partner with the SEA and LEAs in receiving technical assistance from recognized technical assistance providers. Attend and participate in quarterly meetings for Special Education Directors when invited.

### **Example Two:**

DVR will provide consultation and technical assistance to DOE staff in planning for the transition of students with disabilities from school to post-school activities, including vocational rehabilitation services. Consultation and technical assistance will be provided by the administrative, supervisory, and direct service delivery levels of DVR and will occur formally and informally throughout the school year.

During the spring of the school year, the DVR Statewide Transition Coordinator (DVR Coordinator) will arrange an annual meeting co-facilitated by the DOE Statewide Educational Specialist (SES). Areas of consultation and technical assistance may include the following information:

- A. Description of DVR services including pre-employment transition services
- B. Special Education- Vocational Rehabilitation (SE-VR) annual reports
- C. SE-VR budget reports
- D. Use of funds

DVR Branch Administrators and Section Supervisors will be responsible for providing consultation and technical assistance to DOE special education (SE) and transition personnel at the district and school levels, to assist DOE transition teachers and staff plan for transition activities. Areas of consultation and technical assistance may include information related to:

- A. DVR service description including pre-employment transition services
- B. DVR eligibility criteria

- C. Assistive technology assessments
- D. Social Security benefits planning
- E. DVR referral procedures

DVR Vocational Rehabilitation Specialists (VRS) assigned to schools under the SE-VR Work Study Program will be responsible for providing consultation and technical assistance on an ongoing basis to DOE SE and transition personnel at the school level, in planning activities for students with disabilities. In addition to the areas cited above, consultation and technical assistance may include information on the following:

- A. Pre-employment transition services
- B. Assistive technology evaluations
- C. Work experience development
- D. Strategies for successful job placement
- E. Career exploration
- F. Local resources for transition in addition to DVR
- G. Federal financial aid available for postsecondary education

DVR is available to provide consultation and technical assistance to DOE as needed throughout the year. DOE may request consultation and technical assistance by phone, e-mail, mail, or on a peer-to-peer basis. DVR and DOE agree to provide cross-training as needed.

## **7. Transition Planning**

### **Example One:**

XX VR will participate as available per district in regular transition planning meetings and department meetings, when invited.

XX VR will attend meetings for the development of an Individualized Education Plan (IEP) and/or Individualized Transition Plan (ITP) when invited, with appropriate consent and as resources allow. XX VR will not charge the schools district for staff to attend these meetings.

XX VR is requesting that it be mandatory to distribute the Transition Planning VR Booklet, and or VR Transition Brochure to students, family members, and or guardian and their representatives at all IEP meetings as part of the routine information shared.

XX VR, in collaboration with LEAs, will provide or arrange for the provision of pre-employment transition services to all students with disabilities identified as requiring these services.

XX VR shall determine the eligibility of all students with disabilities who have applied for VR

services within 60 days from the date of application pursuant to section 102(a)(6) of the Rehabilitation Act and section 34 CFR 361.41(b)(1) of its implementing regulations.

XX VR will develop an Individualized Plan for Employment (IPE), which is consistent with and which takes into consideration the student-client's IEP, prior to exit and within 90 days of VR/SBVI eligibility, unless an extension is approved.

**Example Two:**

DVR and DOE agree to work collaboratively to assist students with disabilities in development and completion of their IEP as required under section 614(d) of the IDEA. Transition planning will include but is not limited to:

- A. DVR, in collaboration with DOE, will provide or arrange for the provision of pre-employment transition services to all students with disabilities identified as requiring these services.
  - Pre-employment transition services
  - Instruction in self-advocacy and peer mentoring
  - Work based learning experiences
  - Counseling on opportunities for enrollment in comprehensive transition or post-secondary educational programs at institutions of higher education
  - Workplace readiness training
  - Job exploration counseling

These services can be delivered in a variety of ways to best meet the needs of the individual. These may include but are not limited to:

- DVR counselors providing said services either individually or in groups.
  - DVR hiring qualified vendors with approved Provider Agreements to deliver pre-employment transition services one on one or in groups.
- B. DVR VRS invitation to participate in DOEs IEP development meeting for shared students with disabilities, depending on availability. If the DVR VRS is unable to attend the IEP meeting, DOE and DVR will communicate regarding IEP goals and needed transition services as soon as possible after the IEP meeting. Participation may occur through alternative means, such as conference calls and video conferences.
  - C. DVR VRS collaboration with and assistance to DOE SE teachers in transition planning for students with disabilities, to facilitate development and completion of their IEPs as

required under section 614(d) of IDEA. DVR VRS will inform DOE SE Teachers of community events, such as job fairs, transition fairs, and career days to introduce and expose students with disabilities to possible career goals and objectives.

- D. Introduction and guidance of students with disabilities to post-school alternatives which includes but is not limited to employment, post-secondary education, vocational training, and adult education, by DOE transition coordinators and DVR staff. Planning also includes coordination of social experiences for students with disabilities in work-based settings to improve competitive integrated employment outcomes.

## **8. Joint/Shared Responsibilities**

### **Example One:**

The State's Vocational Rehabilitation Program within the Department of Human Services and State's Department of Education mutually agree to the following:

- Will meet regularly to address systems, policy, practice and funding issues that facilitate or negatively impact the transition of youth with disabilities from school to work or post- secondary education.
- Foster innovation in transition program design and service delivery strategies between VR branch offices and local school districts.
- Utilize a common message when sharing information to local VR branch offices and LEA's.
- Post this agreement on their respective websites.
- Align policy and practice at the state and local level, in order to facilitate the seamless transition of youth with disabilities from school to work or Postsecondary education;
- Minimize redundant services; and maximize resources in both systems.
- Develop and provide common trainings and professional development opportunities to improve transition and employment results.
- Provide a copy of this Agreement to the following key stakeholders:
  - all LEA superintendents
  - all directors of Special Education

- all VR administrative staff to include branch managers
- all Tribal VR Directors
- all Brokerage Directors
- the Office of Developmental Disabilities Services
- The State Developmental Disabilities Council
- other entities as identified
- Mutually develop and distribute notices, memorandums and other information regarding transition to key stakeholders.
- Give timely notice to key stakeholders of all proposed changes to rule or policy that relate to transition of students and youth with disabilities.
- Collaborate toward meeting the unique needs of LEAs and VR branch offices and facilitate seamless transition for students with disabilities from a free and appropriate public education to the provision of vocational rehabilitation services.
- In collaboration with LEA's provide, or arrange for the provision of, pre-employment transition services for all students with disabilities in need of such services who are eligible or potentially eligible for services under the WIOA
- Work with transition facilitators to develop procedures for outreach and identification of students with disabilities who are in need transition services including but not limited to pre-employment transition services.

**Example Two:**

- State VR counselors and educators are both responsible for the development and completion of the employment component of a student's Individual Education Program (IEP) in concert with the student, the parents, and the IEP team. State VR involvement in the IEP development and completion will be determined by individual student need, not student age or grade. IEP teams and VR counselors will consider four factors to determine when employment preparation should start and the intensity of the services that should be provided:
  - a. Student knowledge and skills;
  - b. Student learning characteristics, including student response to ease of accessibility and accommodations;

- c. Complexity of support needs; and,
- d. Number of environments affected.

- The more intense the need for services, the earlier preparation should start and the more people who have specialized knowledge (e.g.; work experience counselors, VR counselors) should be involved. This involvement may be provided by VR without a case record, but instead as part of the pre-employment transition services provided. These services can be conducted in a group setting and will require collaboration to determine the pre-employment transition service activities that are needed by that specific LEA and will suit the students in that setting. When appropriate due to scheduling and other factors they may be provided individually
- Those students who require more intensive services in order to learn, understand and apply the information from pre-employment transition service activities will be encouraged to submit an application for VR. These individualized services may not be provided without the student having been determined eligible and served under an Individual Plan for Employment (IPE).
- VR staff will review information for students who submit an application for services and Area Education Agencies (AEA)/LEAs will share existing information which will assist VR in determining a student's eligibility. If needed, students will participate in additional assessment(s) to determine eligibility services. The scheduling of these assessment(s) will require collaboration between VR, LEA and AEA staff members.
- Once an eligibility determination has been made by VR, the decision will be shared with the LEA and AEA staff. This information will be considered as part of the student's transition plan within the IEP.
- VR counselors will develop an IPE for each individual determined to be eligible for VR within 90 days from the date of eligibility determination, unless a student is determined eligible and placed in a closed priority category if a state has implemented an order of selection. The student, parents, educators and VR counselors will collaborate so that the goals of the IEP and the IPE will be consistent with one another.

## **9. Vocational Rehabilitation (VR) Responsibilities**

### **Example:**

The responsibilities of XXVR are to:

- Serve as the lead agency in XX for carrying out Federal and State policies relating to the program under the Rehabilitation Act, including:
- Upon request from school district staff, and with the parent's, guardian's or adult student's written consent, distribution of general information related to services, consultation and TA, attend transition fairs and other forums to provide information about pre-employment transition services, transition services and other VR services to parents and school personnel, attend IEP meetings, provide pre-employment transition services, referral to VR for services, eligibility determination, IPE development and VR services, pursuant to 34 C.F.R. §300.321(b)(3).
- Accept referral of students with disabilities during the transition planning process for the provision of pre-employment transition services.
- Provide consultation to school district staff on transition planning to prepare a student to move from school to work or post-secondary education in accordance with the student's unique needs as determined through the IEP process and provision of pre-employment transition services.
- Assess, plan, develop and provide individualized VR services for eligible individuals with disabilities who have been referred for VR services, consistent with their strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice, so that such individuals may prepare for and engage in competitive, integrated employment.
- Develop an Individualized Plan for Employment (IPE), which is consistent with and which takes into consideration the student-client's Individualized Education Plan (IEP), within 90 days of XX VR eligibility determination, unless an extension is approved.
- Purchase assistive technology (AT) for the use of youth with disabilities for postsecondary activities. In assessing the appropriateness of purchase, DVR on a case by case basis will consider the following factors: (a) vocational relevance of AT; (b) impediments to implementation of IPE without AT; (c) customization of AT; (d) remaining useful life of AT; (e) adequacy of AT in meeting client's prospective needs; (f) replacement cost of AT from alternate sources; and (g) availability and benefits of purchasing different or alternative AT.
- Provide consultation to assist in the identification of eligible and potentially eligible students with disabilities and assessment of their individual needs for pre-employment transition services.

- Provide or arrange for the provision of individualized VR services required by the IPE goal, when the student has been determined eligible for VR and the services are specific to his/her employment outcome, and are not services customarily provided to the student by the LEA under the Individuals with Disabilities Education Act (IDEA).
- Provide information to parents and/or guardian(s), student/clients regarding VR eligibility, vocational assessment for employment and post-secondary planning and Client Assistance Program (CAP).
- Obtain written consent for the release of confidential information, pursuant to XX VR policy and procedures, federal and state laws and regulations regarding confidentiality.
- Provide contact information for XXVR counselors, and flow charts related to the VR process for improved communication and fidelity to process.
- Identify a single point of contact at VR/VR Blind who will coordinate transition activities within each school district.
- Provide information to the XXDE on referrals and employment outcomes of students with disabilities by district on an annual basis, and additional information as requested and as the law allows.
- Share information regarding policies, procedures, guidelines, programs and services for the purpose of improving the access to, and availability of pre-employment transition services and transition services.
- Provide brochures and materials about the VR process and services to the school districts for distribution to the students, parents, legal guardians, teachers and others.
- Promote employer participation in providing opportunities for work-based learning for students with disabilities.
- Ensure DVR Counselors, with assistance from school personnel, identify and maintain contact with the students who drop-out of school, whenever possible, and offer services, including adult educational services, to those who are eligible and interested.
- Provide information to DOE and the LEAs and Charter Schools on the numbers of referrals and status of all post-school students it serves.

- As new federal or state requirements or initiatives are identified, XX VR will participate with the XXDE on joint training of school district and VR staff whenever possible.
- See section XX regarding delivery of pre-employment transition services.
- Inform teachers, XXDE, students, legal guardians and parents of the mandates found in the Rehabilitation Act and its implementing regulations, which require the student with a disability exiting school to be referred to XXVR prior to entering subminimum wage work with a 14c certificate holder.
- See section XX for specifics on subminimum wage work environments.

## **10.State Education Agency (SEA) and/or Local Education Agency (LEA) Responsibilities**

### **Example One:**

The responsibilities of the XX Department of Education (XXDE) are to:

Provide technical assistance, training and reference materials regarding WIOA to school districts and other stakeholders identified by the XXDE, including parents, families, guardians and students relating to the provision of pre-employment transition services and other transition services. Additionally, XXDE will disseminate this contract to all appropriate XXDE staff who work with or make decisions about Special Education Services and ensure knowledge of joint responsibilities.

To facilitate and coordinate the smooth transition of students with disabilities from school to post-school employment-related activities, including the receipt of appropriate pre-employment transition services, transition services, technical education and competitive, integrated employment.

Encourage school district and XXVR collaboration and coordination for the purpose of providing more opportunities and resources to move students from school to work, e.g. participation on local multi-agency teams, Career and Technical Education (CTE) and other opportunities for collaboration for improved pre-employment transition outcomes.

Identify a single point of contact within the SEA for collaboration of transition activities with XXVR.

The XXDE will encourage liaisons between the school districts or individual schools and local XX VR offices, to ensure the provision of psycho-educational eligibility reporting, and or copy of the IEP/504 for students referred with documented appropriate consent.

Develop active communication and outreach efforts to make parents and students aware of coordinated transition services and opportunities. Examples are participation in the annual Transition Conference, career fairs, summer camps, and other vocational/educational opportunities.

Share performance data with XX VR and stakeholders identified by the XXDE annually including statewide students with disabilities exit data, statewide reporting of student outcomes a year out from separation and ongoing students with disabilities enrollment data.

Facilitate interagency coordination through the development of inter local agreements between XX VR and each school district.

Provide XX VR and stakeholders identified by the XXDE information regarding the XXDE's adopted written policies and guidelines on compliance with WIOA, including the coordinated provision of pre-employment transition services and other transition services to students with disabilities for the purpose of improving access to, and availability of, transition services.

XXDE will facilitate joint training between XX VR and appropriate school district personnel on new State or Federal requirements or initiatives that impact the provision of services by both entities.

See section XX for specifics on subminimum wage work environments and documentation requirements.

XXDE will provide the required documentation and data needed by XX VR prior to the provision of Pre-employment transition services, coordinating IEP meetings with XX VR prior to being developed and meetings thereafter for the coordination of services, obtaining the required parental consent as required by State law and the requirement to provide all special educational services or related transition services under IDEA required to be provided by the school system under Free and Appropriate Public Education (FAPE) in accordance with section 101(c) of the Rehabilitation Act and 34 VCFR 361.22(c) of its implementing regulations.

**Example Two:**

1. LEA's will be responsible for the development of the IEP, including appropriate "transition services" and associated costs and other IEP-related services.
2. Inform LEA's through the Transition Assistance Network and the Transition Network Facilitators about services provided by VR to aid LEA's in carrying out special education obligations through such programs as the Student Transition Program (STP), Supported Employment (SE), or any other relevant programs provided by VR.

3. Provide representation on the VR State Rehabilitation Council and relevant committee participation.
4. Assign an Education Specialist to facilitate linkages between LEA's and VR:
  - a. Upon request from LEA's or VR, SDE will provide technical assistance on how to identify potentially eligible students for services from VR and how to work with VR to provide needed transition services.
  - b. Establish and disseminate a procedure for LEA release of student information to VR.
  - c. Upon request, work with VR and other agencies through a variety of training activities to plan and identify transition strategies for students with disabilities requiring long-term support after VR time-limited services.
  - d. Work with LEA's in the development of IEP Transition Plans that demonstrate a coordinated set of activities that create a seamless transition in services for students as they move to career-related activities developed by VR in an IPE.
5. Encourage LEA's to identify points of contact for VR field staff.
6. Collaborate in the planning, development and implementation of systems change through:
  - grants,
  - legislative initiatives and
  - other similar activities.
7. Where appropriate, collaborative partnerships will be expanded to include:
  - the State Commission for the Blind,
  - Centers for Independent Living,
  - Department of Human Services – Office of Developmental Disability
  - Addictions and Mental Health,
  - State Health Authority,
  - tribal vocational rehabilitation programs,
  - parent advocacy organizations,

- Local Workforce Investment Boards,
- universities and community colleges, and
- other community-based organizations.

8. Disseminate information regarding relevant training and workshops to the VR Training Unit.

9. Encourage LEA's to collaborate in local community planning and implementation efforts that are focused on the transition of students with disabilities from school to postsecondary outcomes.

On request, provide information to VR about vocational training programs in public education programs, approved private education programs, and accredited postsecondary schools that are subject to SDE standards.

## **11. WIOA: Section 511 Subminimum Wage**

### **Example:**

Documentation requirements under section 511 of the Rehabilitation Act for students with disabilities seeking subminimum wage employment.

Under the section 511 of Rehabilitation Act, as amended by WIOA, 14(c) businesses referred to as "employers" are prohibited from employing any individual with disabilities who is 24 years of age or younger at subminimum wage, unless the individual has received documentation from XX VR upon completion of all the following activities:

1. Pre-employment transition services under the Rehabilitation Act, as amended by WIOA, or transition services under the Individuals with Disabilities Education Act (IDEA) and
2. Apply for vocational rehabilitation services and the individual was determined
  - a. Ineligible for vocational rehabilitation services.
  - b. Eligible for vocational rehabilitation services, had an approved individualized plan for employment, and
  - c. the individual was unable to achieve an employment outcome in competitive, integrated employment after a reasonable period of time, and his/her case was closed.

3. Career counseling and information and referral services to federal and state programs to help the individual discover, experience and attain competitive integrated employment and the counseling and information was not for employment at sub-minimum wage.

These requirements should be shared by the SEA with LEAs, parents, guardians, teachers and students. These requirements and processes should also be shared with staff at Aging and Disability Services Division (ADSD) Regional Centers so that caseworkers can share this information during IEP meetings for transition planning. XX VR will maintain the documentation and provide a copy to the individual within the timelines identified as specified under 34 CFR part 397.

Any of the services identified above that the LEA provides must be documented by the LEA and provided to the student and XX VR.

XX VR, in consultation with the XXDE, must develop or use an existing process to document the completion of this process as well as the transmittal of documentation from XXDE to the XX VR, consistent with the confidentiality requirements of the Family Education Rights and Privacy Act (20 USC 11232g(b) and 34 CFR 99.30 and 99.31) and IDEA (20 USC 1417(c) and 34 CFR 300.622) pursuant to section 511(d) of the Act and §397.10. This documentation must contain, at a minimum (§397.10(a)(1)):

- Youth's name;
- Determination made, including a summary of reason for the determination or a description of the activity or service completed;
- Name of individual making the determination or the provider of the service/activity;
- Date determination was made or the required service or activity completed;
- Applicable signatures and dates by the XXVR or XXDE making determination or completion of the required services or activity;
- Signature of the XX VR personnel transmitting documentation to the youth with a disability;
- Date and method by which the document was transmitted to the youth; and
- XXVR and XXDE must retain copies of the documentation in a manner consistent with the requirements of 2 CFR 200.333.

If a youth with a disability or, as applicable, the youth's parent or guardian, refuses, through informed choice, to participate in the activities required by section 511 or the implementing regulations in part 397, documentation must, at a minimum:

- Contain the information in 397.10(a)(2); and
- Be provided by the DSU to the youth within 10 calendar days of the youth's refusal to participate.

## **12. Dispute Resolution**

(this section is not a requirement under the Rehabilitation Act but it is required by IDEA)

### **Example One:**

Disagreements about which entity is responsible for payment for services may occur. If disagreements about financial responsibilities occur, both XXVR and XXDE agree to:

- Abide by an informal dispute resolution process for reimbursement for costs incurred by XXVR under 34 C.F.R. §361.53(d)(i-iv) inter-agency coordination, or pursuant to 34 C.F.R. §300.154, for reimbursement for costs incurred by the XX school districts or to otherwise implement this agreement.
- XXDE will educate school districts on their financial responsibilities and XX VR's responsibilities and encourage full participation in the process.
- When similar or identical service needs are identified as education-related in the IEP established by the school district and employment-related in the IPE established by XXVR, it is agreed that disputes will be resolved between XXVR and school districts at the local level. The process for dispute resolution is as follows:
  - If the service is special education or a related service and included in the student's IEP, the school district may provide the service either directly or through other sources, or request XXVR provide the service. If XXVR determines the service does not violate the comparable benefits (unless such a determination would interrupt or delay the progress of the individual), and identified as a service on the individual's IPE, XX VR may assume the costs for the service. If XXVR determines that the purpose of the service is more for educational attainment than achievement of competitive integrated employment, then the LEA would pay for the service, as they would for services obligated under IDEA.
- XX VR's funding for assessment for eligibility and vocational needs, counseling and referral services, job placement services, rehabilitation technology and auxiliary aids and services are exempt from comparable benefit and the financial needs test.

- When assistive technology (AT) goods or services are needed for educational purposes, it will be the financial responsibility of the LEA. However, upon exit from high school, XX VR will evaluate needs for AT for vocational, employment and postsecondary purposes, and will either purchase existing AT from the LEA at the appropriate assessed value in accordance with the Uniform Guidance at 2 CFR 200 or purchase new AT for the individual as needed for employment and identified on the individual's IPE.
- When XXVR and the school district are unable to come to a mutual agreement about financing of a service to a student, XX VR will or the school district will follow the informal dispute resolution outlined in the interlocal contract between XX VR and the school district to determine which agency(s) is financially responsible for the service and, if applicable, to recover the costs incurred.

**Conflict Resolution Process for Individual Students and Their Parents or Legal Guardians:**

Nothing in this agreement precludes the parents' and or legal guardian or adult student's rights to appeal decisions made by XX VR or the school districts as available under the Rehabilitation Act, or the IDEA.

If DHS or DOE fail to provide or pay for services for which they have financial or legal responsibility, the dispute will be referred to the respective Director of Human Services and Superintendent of the Department of Education. The Director and the Superintendent, or their designees, will meet to resolve the interagency dispute. If the department heads cannot resolve the interagency dispute, then the issue should be taken to the Governor for resolution.

If the decision of the department heads or the Governor is that one department failed to provide or pay for services, then the other department may claim reimbursement for services and shall be reimbursed by the other department in a timely manner.

**Example Two:**

1. All attempts should be made to resolve disputes at the lowest operational level (at the School, School District and/or DVR office level).
2. When disputes cannot be resolved at the lowest operational level, they shall be referred, in writing, to the State Director of the Exceptional Children and Early Childhood Education Group, DOE; to the State Director, Division of Vocational Rehabilitation, DOL; and the Superintendent of the School District or CEO of the Charter School involved. These individuals will review the situation and determine how the dispute should be resolved. Their decision shall be shared, in writing, with the parties involved in the dispute within thirty (30) days of receipt of the request.

3. If the dispute cannot be resolved as described in step .2, the dispute shall be referred in writing to the Cabinet Secretary, DOE; the Cabinet Secretary, DOL; and the President of the Chief School Officer's Association. Further, any party disagreeing with the decision reached in step .2 may submit a written request for review within thirty (30) days of the decision to the Cabinet Secretary, DOE; the Cabinet Secretary, DOL; and the President of the Chief School Officer's Association, or other member of the Chief School Officer's Association, outlining their specific disagreement with the decision. The Cabinet Secretaries' and the President's decision shall be final and binding on all parties and shall be communicated, in writing, to all parties within thirty (30) days of referral of the matter to them or request for review.
4. This Interagency Agreement does not restrict or otherwise limit any additional rights or remedies any party may have under state or federal law, nor extend the rights or remedies of one party to the other. This Interagency Agreement does not restrict or otherwise limit the State Department of Education's general supervision authority to ensure that the requirements of state and federal law concerning the education of children with disabilities are carried out.

### **13. Agreement Review, Dates In Effect**

#### **Example One:**

The terms of this SEA Agreement between the Department of Human Services, Division of Vocational Rehabilitation and the Department of Education, shall begin on the date of the last signature and continue until replaced by a new agreement, terminated upon mutual agreement, or upon written request of either party. This SEA Agreement may be terminated only at the end of each state fiscal year. This SEA Agreement is subject to the availability of funds.

#### **Example Two:**

- This Agreement shall become effective on the date on which all parties have signed the Agreement. Unless terminated or extended, this Agreement shall terminate on June 30, 2017.
- Through the appointed Director (or designee), assure a biennial review of the outcomes and effectiveness of this Agreement and make recommendations, policy changes, training activities, and modifications to this Agreement. Upon request, provide information to the VR State Rehabilitation Council to assist in the development of the Council's annual report to the Governor.

- Amendments: On written request from either party, changes in this Agreement or subsequent attachments will be discussed and such changes or attachments as are agreed upon in writing will become part of this agreement. The terms of this Agreement shall not be waived, altered, modified, supplemented, or amended in any manner whatsoever, except by a written instrument signed by the parties.
- Termination Clause: Upon thirty (30) days written notice, either party may terminate this MOU at any time.

## 14. Definitions

**While not required to be included a section on definitions relevant to the contents of the agreement help with communication, understanding and consistency of implementation.**

- **District and School District** means public school districts and Regional School Districts, as defined in SRS 190.
- **Local Education Agency (LEA)** means a public board of education or other public authority legally constituted within the State for either administrative control or direction of, or to perform a service function for, public elementary schools or secondary schools in a city, county, township, school district, or other political subdivision of the State, or for a combination of school districts or counties that is recognized in the State as an administrative agency for its public elementary schools or secondary schools.
- **Free and Appropriate Public Education or FAPE** has the meaning set forth in the Code of Federal Regulations, Title 34: Education, Section 300.17.
- **Individuals with Disabilities Education Improvement Act of 2004 or IDEA** means the federal law that requires the provision of special education and related services to eligible students with disabilities.
- **Individualized Education Program or IEP** has the meaning set forth in SAR Chapter 581 (State Department of Education), Division 15 (Special Education), as amended.
- **Individualized Plan for Employment or IPE** has the meaning set forth in SAR 582-070-0043, as amended.
- **SAR** means State Administrative Rules.
- **SDE** means the **State Department of Education**, the state agency responsible for overseeing the State's elementary and secondary public schools and education service districts, public preschool programs, the state School for the Blind, regional programs for children with disabilities and education programs in State youth corrections facilities.

- **Pre-Employment Transition Services** means the required activities that State Vocational Rehabilitation, in collaboration with local school districts, shall provide, or arrange for the provision of, for all students with disabilities between 16 and 21 years of age in need of such services who are eligible or potentially eligible for VR services. The following activities are required:
  - Job exploration counseling;
  - Work-based learning experiences, which may include in-school or after school opportunities, or experience outside the traditional school setting (including internships), that is provided in an integrated environment to the maximum extent possible;
  - Counseling on opportunities for enrollment in comprehensive transition or postsecondary educational programs at institutions of higher education;
  - Workplace readiness training to develop social skills and independent living; and
  - Instruction in self-advocacy.
  
- **Rehabilitation Act of 1973**, as amended by WIOA or **Rehabilitation Act** means the federal law that provides for the provision of rehabilitation and related services to eligible individuals with disabilities, and governs and guides the services provided by state vocational rehabilitation units, including State Vocational Rehabilitation.
  
- **IDEA Transition Services** means:
  - A coordinated set of activities for a student,
  - Designed to be within a results-oriented process, that is focused on improving the academic and functional achievement of the student with a disability to facilitate the student’s movement from school to post-school activities, including
  - Postsecondary education,
  - Vocational education,
  - Integrated employment (including supported employment and supported self-employment),
  - Continuing and adult education,
  - Adult services,

- Independent living, or
  - Community participation
- **Vocational Rehabilitation** or **VR** means the State Department of Human Services program responsible for carrying out the responsibilities specified in State Revised Statutes (SRS) 344.510 – 344.690.
  - **Vocational Rehabilitation Counselor** or **VRC** means a professional vocational rehabilitation counselor in the employ of VR.
  - **Workforce Innovation and Opportunity Act** or **WIOA** supersedes the Workforce Investment Act of 1998 and amends the Adult Education and Family Literacy Act, the Wagner-Peyser Act, and the Rehabilitation Act of 1973.
  - **Student with a Disability** - For VR purposes is an individual who: is in a secondary, postsecondary, or other recognized education educational program; and meets certain age requirements (not younger than the earliest age for the provision of transition services under IDEA; unless the state elects to use a lower minimum age for pre-employment transition services, and not older than 21 years of age; unless State law provides for a higher maximum age for receipt of services under IDEA, & the student is not older than that maximum age); and is eligible for and receiving special education or related services under IDEA; or is an individual with a disability for purposes of section 504 of the Act.
  - **Youth with a Disability** - For VR purposes is an individual with a disability who is not younger than 14 years of age; and not older than 24 years of age.
  - **Potentially Eligible** - defined in 34CFR361.48(a) as all students with disabilities who satisfy the definition of a student with a disability in 34CFR361.5(c)(51), regardless of whether they have applied, and been determined eligible, for the VR program.

- **Transition Services** (found in the Rehabilitation Act of 1973 as amended by WIOA) - For VR purposes, is defined as a coordinated set of activities for a student or youth with disabilities designed within an outcome-oriented process that promotes movement from school to post-school activities, including postsecondary education, vocational training, competitive, integrated employment, supported employment, continuing and adult education, adult service, independent living, or community participation; based upon the individual student or youth's needs, taking into account the student or youth's preferences and interests; that includes instruction in community experiences, the development of employment and other post-school adult living objectives, and, if appropriate, acquisition of daily living skills functional vocational evaluation; that promotes or facilitates the achievement of the employment outcome identified in the student or youth's individualized plan for employment; and includes outreach to and engagement of the parent, or as appropriate, the representative of such a student or youth with a disability.

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