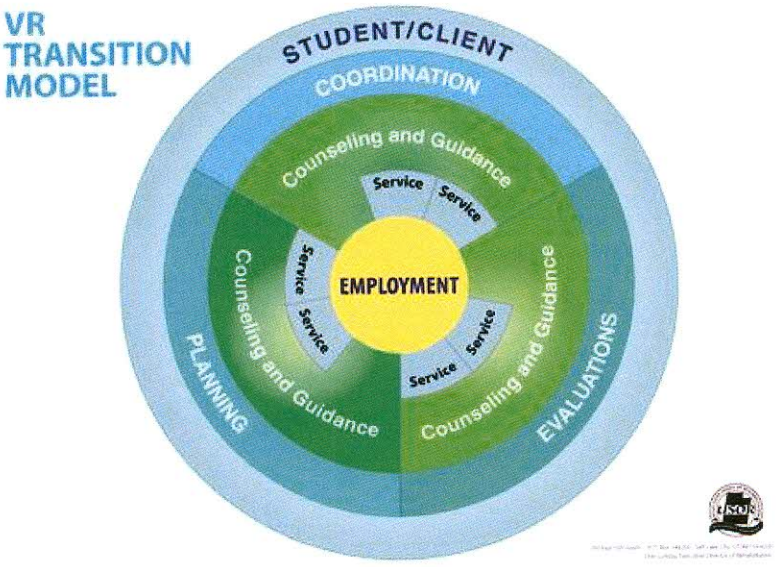
INTERAGENCY COOPERATIVE AGREEMENT

January 1, 2013 through December 31, 2016

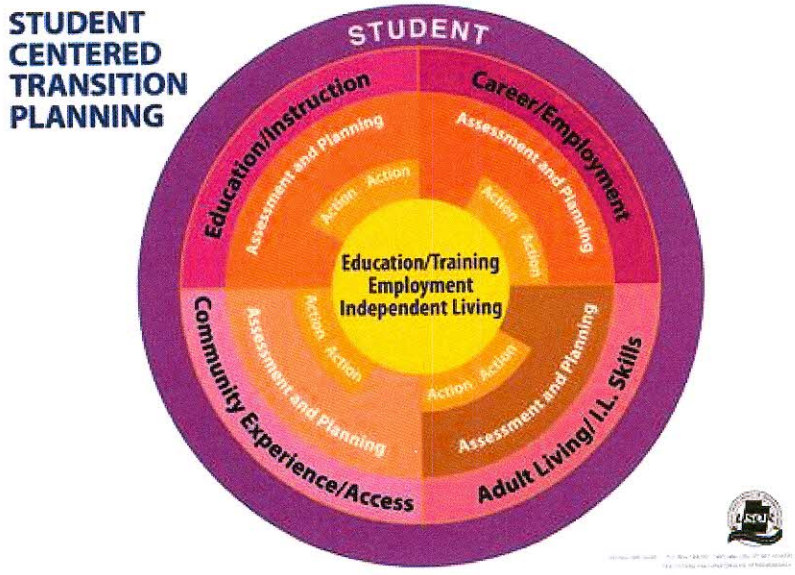
UTAH STATE OFFICE OF REHABILITATION

Division of Rehabilitation Services



UTAH STATE OFFICE OF EDUCATION

Special Education Programs



INTRODUCTION AND GOALS

The purpose of this interagency cooperative agreement is to fulfill mandates found in the Individuals with Disabilities Education Act (IDEA) and the Rehabilitation Act. The focus is to successfully facilitate the transition of students who are individuals with disabilities in the provision of a free appropriate public education (FAPE) under the responsibility of the Utah State Office of Education, to the provision of vocational rehabilitation services, as deemed eligible and appropriate, under the responsibility of the Utah State Office of Rehabilitation.

This agreement has five overall goals and objectives:

1. To comply with federal legal mandates under the Rehabilitation Act of 1998 and the Individuals with Disabilities Education Act of 2004 (IDEA);
2. To provide guidance and expectations to the local education agency (LEA), special education and general education teachers, nurses, psychologists, administrators, school counselors, and any other appropriate school personnel regarding Transition Services and supports;
3. To provide guidance and expectations to vocational rehabilitation counselors regarding Transition Services and supports;
4. To provide information and resources on Transition Services to students and their parents/guardians so they will have the knowledge and ability to fully participate in transition planning and execution;
5. To provide information and guidance to community partners in order to improve Transition Services, create common understanding; establish collaborative efforts and increase transition and employment outcomes for individuals with disabilities.

STATEMENT OF NEED

USOR and USOE have identified a need for coordination in the provision of Transition Services to students with disabilities, as they move from the school setting into an integrated, competitive employment outcome.

In Utah, there are approximately 78,300 students, age 3-21, with disabilities and over 13,000 individuals who are of working age with a disability, ages 16-21 (FY12). USOR served approximately 30,853 individuals with disabilities during FY12 with 4,960 being transition aged youth with disabilities. Fifty-one percent of USOE post-school survey respondents (FY12) are or have been competitively employed in the year since exiting high school. An average of twenty percent reported contacting or receiving services from Vocational Rehabilitation (Utah FFY 2011 Annual Performance Report).

Under IDEA, students with disabilities must receive appropriate Transition Services to gain the knowledge and skills necessary to achieve personal post-secondary goals in education/training, employment, and independent living. This interagency cooperative agreement is intended to clearly define the necessary roles and responsibilities, collaborative relationships, and policies and procedures between USOR and USOE Special Education Programs. This agreement has been established to create common understandings, and direct collaborative efforts, regarding Transition Services that will ultimately improve employment outcomes for eligible students with disabilities.

AUTHORITY AND SCOPE

This interagency agreement is mandated under the Individuals with Disabilities Education Act 34 CFR 300.154(a) and under the Rehabilitation Act of 1973 as amended Section 101(a)(11)(D) and 34 CFR 361.22(b).

USOE

USOE ensures that all children ages 3 through 21 with disabilities are provided free and appropriate public education (FAPE) under IDEA. For the purposes of this agreement, USOE has responsibility for educating transition youth between age 16, or earlier if appropriate, and school exit through graduation, reaching maximum age, or no longer IDEA-eligible.

IDEA

34 CFR 300.154 Methods of ensuring services

(a) Establishing responsibility for services. The Chief Executive Officer or designee of that officer must ensure that an *interagency agreement* or other mechanism for interagency coordination is in effect between each non-educational public agency.

USOR

Under the authority granted by the Rehabilitation Act, the Utah Division of Rehabilitation Services (DRS) may provide any service necessary to achieve the employment goal stated in the Individualized Plan for Employment (IPE). Funding may be limited by state and federal purchasing regulations, availability of comparable benefits, and DRS policies.

Rehabilitation Act

34 CFR 361.22 Coordination with education officials

(b) Formal *interagency agreement*. The State Plan must include information on a formal interagency agreement with the State educational agency.

DEFINITIONS

Transition Services-USOE/USOR

IDEA *Transition Services* are a coordinated set of activities for a student with a disability designed within a results-oriented process, that is focused on improving the academic and functional achievement of the student, to facilitate movement from the school to post school activities, including post-secondary education, vocational training, counseling and guidance, integrated employment (including supported employment), adult services, independent living or community participation. The coordinated set of activities shall be based upon the individual student's needs, taking into account the student's strengths, preferences and interests, and shall include instruction, related services, community experiences, the development of employment and other post school adult living objectives, and when appropriate, acquisition of daily living skills and functional vocational evaluation (34 CFR 300.43). The Rehabilitation Act further states that Transition Services must promote or facilitate the achievement of the employment outcome identified in the student's Individualized Plan for Employment (IPE) (34 CFR 361.5 (55).

Special Education-USOE

IDEA *Special Education* means specially designed instruction, at no cost to the parents or guardians, to meet the unique needs of a student with a disability including instruction conducted in the classroom, in the home, in hospitals and institutions, and in other settings; and instruction in physical education (34 CFR 300.39).

Student with a Disability:

1. A student, ages 3 through 21, evaluated in accordance with Utah Special Education Rules as having autism, a speech or language impairment, deaf-blindness, an emotional disturbance, a hearing impairment including deafness, an intellectual disability, multiple disabilities, an orthopedic impairment, other health impairments, a specific learning disability, a traumatic brain injury, a visual impairment including blindness, or a student ages 3 through 7 experiencing development delays whose disability affects their educational performance and who, by reason thereof, needs special education and related services. (USBE SER I.E.40)

Related Services-USOE

The term *Related Services* means transportation and such developmental, corrective, and other supportive services including speech-language pathology and audiology services, psychological services, physical and occupational therapy, recreation (including therapeutic recreation), social work services, counseling services (including rehabilitation counseling), orientation and mobility services and medical services (for diagnostic or evaluation purposes only) as may be required to assist a student with a disability to benefit from special education, and includes the early identification and assessment of disabling conditions in students. Related Services do not include services that apply to students with surgically implanted devices, including cochlear implants (34 CFR 300.34).

Section 504 Accommodation Plan-USOE

All individuals with a disability under the Individuals with Disabilities Education Act (IDEA) are protected under Section 504 of the Rehabilitation Act of 1973, as amended. However, not all individuals determined to have a disability under Section 504 may be considered eligible under IDEA. There are procedural provisions of Section 504, Subpart D that contain other requirements including accessibility and employment practices with person with disabilities. The IDEA defines as eligible only students who have certain specified types of disabilities which adversely affect educational performance and who need special education (specially designed instruction). Section 504 protects all students with disabilities, defined as those having any physical or mental impairment that substantially limits one or more major life activities, including learning.

Examples of students who are protected by Section 504, but who may not be covered by the IDEA include students with such health impairments as juvenile arthritis, AIDS or ADD/ADHD, whose education is not adversely affected and who do not need special education. However, if their disorders or conditions substantially limit their ability to function at school, they are considered to have a disability under Section 504 and must be provided with reasonable accommodations or related services in the regular education setting in order to participate in school programs. Students eligible for 504 plans may be referred for Vocational Rehabilitation and Independent Living Services.

Utah Schools for the Deaf and Blind-USOE

The *Utah Schools for the Deaf and Blind* offer a variety of Transition Services, statewide, to transition-aged students with hearing and/or vision impairments. These services may include adult living assessments, transition consultation, vocational skills training, counseling, and collaboration with LEA personnel and adult service providers; i.e. Vocational Rehabilitation.

Vocational Rehabilitation Services-USOR

The Utah State Office of Rehabilitation provides *Vocational Rehabilitation Services* (DRS) based on eligibility, as outlined in the Rehabilitation Act. Vocational Rehabilitation Services are any services described in an Individualized Plan for Employment (IPE) necessary to assist an eligible individual with a disability in preparing for, securing, retaining or regaining an employment outcome that is consistent with the strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice of that person. VR provides Transition Services to eligible students with disabilities as they transition from school to adult life. VR's goal is to provide students with a smooth transition, holistic team approach, and services that are necessary and reasonable to help prepare for, obtain, and maintain employment.

Eligibility Criteria:

1. Has a physical or mental impairment which constitutes or results in a substantial impediment to employment and;
2. Requires vocational rehabilitation services to prepare for, enter, engage in or retain gainful employment and;
3. Can benefit in terms of an employment outcome from vocational rehabilitation services

Supported Employment-USOR

Supported Employment (SE) means competitive work in an integrated work setting, or employment in an integrated work setting in which individuals are working toward competitive employment. The employment must be consistent with the strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice of the individual. SE is an appropriate intervention for individuals with the most significant disabilities who are in need of long term support for successful employment outcomes.

Visual Disabilities Services-USOR

The Utah State Office of Rehabilitation provides Vocational Rehabilitation services to eligible clients who have visual impairments that affect their ability to work and live independently through the *Division of Services for the Blind and Visually Impaired*. Guidelines and procedures for Training and Adjustment Services, as well as Vocational Rehabilitation Services, can be found in the DSBVI/USDB Cooperative Agreement.

Deaf and Hard of Hearing Services-USOR

Vocational Rehabilitation Services for the Deaf and Hard of Hearing are provided through the Division of Rehabilitation Services (DRS) to eligible clients who have hearing impairments that affect their ability to work and live independently. Counselors serving the deaf and hard of hearing individuals are available across the state. The Utah Schools for the Deaf and Blind and the Sanderson Community Deaf Center offer a variety of specialty services to assist in transition for these students.

FINANCIAL RESPONSIBILITIES

USOR and USOE agree to collaborate on financial responsibility of services, within the guidelines of the Rehabilitation Act and IDEA. Both agencies will respect the resources set forth by policies and procedures that guide each agency's services.

1. Under Utah State Law and Federal Regulations (CFR 361.54(b)(2); Utah Code Annotated 53A-24-106, 1996) the USOR client's financial resources and needs and, if dependent, those of his/her family are considered in determining participation in the cost of services other than evaluation for determining eligibility, evaluation of rehabilitation needs including diagnostic and related services, counseling, guidance, referral services and placement;
2. Assistive Technology (AT) Services will be supported by both USOE and USOR. If it is determined that AT used throughout school would continue to benefit the student throughout VR Services, VR may purchase the AT if agreed upon by the transition team (USOR CSM 25.8);
3. When a student with a disability is both in school and has an IPE with VR, the cost of services necessary for both education and for the student to become employed, will be negotiated between the LEA representative and the VR Counselor, pending any necessary approval through LEA administration and USOR chain of command;
4. At any time during the transition process, comparable benefits or additional agency representatives will be included in the IEP/IPE transition team as an additional resource for financial responsibility;
5. Agreements on shared cost of required services for the student/client, will be in writing in the IEP and IPE, to ensure collaboration and understanding of agency involvement;
6. USOR will provide annual data on financial support, as requested, that provides or pays for special education and related services as part of an IEP.
7. If at any time there is a dispute between the LEA representative and the Rehabilitation Counselor, the facts of the dispute shall be referred to the USOE and USOR Transition Specialists. If they cannot be resolved at that level, disputes will be handled at the next highest level with each agency.
8. If at any time there is a dispute between the student/client and the agency representatives, the student will follow dispute resolution through internal USOR Supervisory/Administration Review, and the Client Assistance Program (CAP), and dispute resolution through USOE, under IDEA.

USOR TRANSITION COMMITMENTS

Mission Statement: To assist individuals with disabilities to prepare for and obtain employment and increase their independence.

Vision Statement and Values: We envision a community which provides the highest quality of services and empowers clients and staff in an environment of teamwork that results in rewarding employment, independence, and self-fulfillment. In support of our Mission and Vision, we value respect, dignity, trust, kindness, diversity, and integrity.

USOR Transition Commitments: USOR provides specialty Transition Services to youth, parents, and schools across the State of Utah. USOR is mandated within the Rehabilitation Act to provide Transition Services, therefore, school transition teams have access to an assigned VR Transition Counselor to provide necessary and reasonable services to meet the individual needs of eligible students with disabilities, in order to help them successfully transition from high school, into adult life and services, and into competitive and integrated employment. In addition to providing assigned liaisons with each high school and USOR district in the state, USOR provides leadership, advocacy, technical assistance, vocational assessments, and promotes collaboration with youth, parents, communities and other agencies.

USOR agrees and commits to:

1. Gather employment outcome data regarding the students who receive Transition Services under this agreement and to share that information with USOE;
2. Advise VR Counselors to attend any and all transition meetings, as appropriate, when the need for Vocational Rehabilitation Services has been identified;
3. Encourage relationship building across all levels of school personnel, by VR Transition Counselors and other VR personnel;
4. Provide orientations, presentations, and information and guidance, as necessary for the schools and LEAs. Encourage transition students to apply for VR Services as appropriate, and as early as 16 years of age;
5. Provide professional development in transition requirements and best practices, including VR Transition Counselor Conferences, and participation in any USOE transition training, as appropriate;
6. Cooperate with and collaborate with USOE in efforts to improve state-wide VR consistency and level of engagement in the transition process;
7. Continued collaboration with the USOE implementation of the Utah Transition Strategic Plan, review and amend, as appropriate, the Transition Action Guide (TAG), and participate in cross-trainings for VR Counselors and school representatives;
8. Encourage and participate in state, local, and community transition councils and committees to improve youth services across the state;
9. Share responsibility and dissemination of this agreement;
10. Provide a designated liaison counselor to each school and LEA, having readily available information and documentation needed to promote VR Services.
11. Maintain publically-reported non-identifiable aggregate student data securely; make these data available only to identified employees who have a right and a need to use these data to satisfy the purposes of this Agreement and return these data or notify the USOE when these data are destroyed no later than June 30, 2015, unless this Agreement is renewed and USOE student data continue to be necessary to satisfy the purposes of the Agreement.

USOE/SES TRANSITION COMMITMENTS

Mission Statement: In alignment with the Individuals with Disabilities Education Improvement Act (IDEA), (USBE SER VIII.A), and the USOE's Promises to Keep, to provide leadership and support for educators and parents, to ensure students with disabilities will be better prepared to transition to further education, employment, and independent living.

Vision Statement: To ensure young adults with disabilities are actively participating in further education, employment, and independent living.

USOE/SES Transition Commitments: The USOE/SES provides professional development, technical assistance, and information dissemination on the Individualized Education Program (IEP) 2004 transition requirements and effective practices to educators, youth, parents, and community agency representatives. A major focus of the USOE/SES is to assist school districts and charter schools in meeting the one-hundred percent compliance goal for the State Performance Plan/Annual Performance Report (SPP/APR) Indicator 13, which requires the transition-aged students IEP to contain a complete transition plan, including consideration and involvement of community agency representatives as appropriate. Additionally, the USOE/SES collects and reports, in SPP/APR Indicator 14, the rates at which youth with disabilities are involved in post-secondary education, training, and employment one year after leaving the school system.

USOE agrees and commits to:

1. Share or provide only publically-reported non-identifiable aggregate data for students with disabilities, regarding Transition Services, post-secondary goals, post high school outcomes, and exiting and environment data as reported in the State Performance Plan and Annual Performance Report to or with the USOR. No personally identifiable student data will be provided or shared by the USOE with the USOR, unless express parental/guardian/eligible student permission is granted (and maintained by the USOE) in writing.
2. Advise school districts and charter schools to invite, only with written parental consent, the VR Counselor assigned to the school to the IEP meeting when the need for Vocational Rehabilitation Services is anticipated; this invitation will be extended at least one year prior to anticipated high school completion;
3. Provide school districts and charter schools with a list of VR Counselors assigned to identified LEAs to facilitate contact with the assigned VR Counselor;
4. Provide professional development to VR Counselors and other staff in IDEA transition requirements and best practices;
5. Cooperate with and collaborate with USOR in its efforts to improve state-wide consistency and level of engagement of VR Counselors in the transition process;
6. Continued collaboration with VR in the USOE implementation of the Utah Transition Strategic Plan, review and amend, as appropriate, the Transition Action Guide (TAG), and participate in cross-trainings for VR Counselors and school representatives;
7. Encourage and participate in state, local, and community transition councils and committees to improve youth services across the state;
8. Share responsibility and dissemination of this Agreement.

TERMS OF AGREEMENT

This Agreement may be terminated by either party providing thirty (30) days written notice. Prior to terminating the Agreement, the party wishing to terminate will provide the other reasons for termination and an opportunity to resolve the matter. If the Agreement is terminated, the USOR will return all student data to the USOE within 15 business days.

RESOLUTION OF CONFLICT

For the resolution of disputes arising over issues addressed in this Agreement, all parties will utilize the appropriate steps and methods as described herein. Attempts will be made to resolve the issue at the lowest level of disagreement. Informal resolution will be the first step in dealing with any disagreements relative to this Agreement. When issues cannot be resolved at the lowest level, they should be referred to the next highest level of command (i.e. following chain of command).

CONCLUSION

Eligible students will receive continuous provision of services from the Individual Education Program (IEP) with USOE and the Individualized Plan for Employment (IPE) with USOR, in support of each student's long term vocational goal and intermediate objectives. This cooperative Agreement is not intended in any way to either shift the responsibility of service delivery from education to rehabilitation during transition or to excuse rehabilitation from providing services it would ordinarily provide to individuals with disabilities. It is expected that rehabilitation counselors, special education teachers, and Section 504 coordinators will cooperate in negotiating and documenting responsibility for necessary services and that education and rehabilitation will complement each other and continue to collaborate in the provision of those services, in order to improve post school employment outcomes for students with disabilities.

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