

**SDE/IDVR/ICBVI
Cooperative Services Agreement**

Idaho Department of Education

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Idaho Division of Vocational Rehabilitation

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Idaho Commission for the Blind and Visually Impaired

January 2015

Purpose

The Individuals with Disabilities Education Act (IDEA), and the Rehabilitation Act of 1973, as contained in Title IV of the Workforce Investment Act of 1998 (WIA),* mandate that the State Vocational Rehabilitation (VR) agency enter into a formal cooperative interagency agreement with the State education agency (Section 101(a) (11) (D) of the Rehabilitation Act) to ensure a coordinated, comprehensive system focusing on youth with disabilities as they transition from secondary school to post-school activities. This agreement must contain certain provisions:

- State VR consultation and technical assistance to assist educational agencies in planning for the transition of students from school to post-school activities, including VR services.
- Collaborative planning by VR/education staff that serves to facilitate development and completion of the Individualized Education Plan.
- Roles and responsibilities, including financial responsibilities, of each agency, to include provisions for determining state lead agencies and qualified personnel responsible for transition services.
- Procedures for outreach to and identification of students with disabilities who need transition services. State VR agencies are expected to assist schools in transition planning in addition to determining student's eligibility for VR services or developing Individualized Plans for Employment.
- Procedures for coordination of services to promote timely delivery of transition services to youth and ensure a seamless process of transition from school to adult services.
- Procedures for resolving interagency disputes.
- Information specifying the conditions, terms and procedures of reimbursement.

This Cooperative Services Agreement has been developed with multiple purposes in mind. First, this agreement is intended to provide a coordinated, comprehensive system focusing on youth with disabilities as they transition from secondary to post-school activities. Beyond that, the information contained in this agreement serves to provide guidance to the Idaho Division of Vocational Rehabilitation (IDVR), the Idaho Commission for the Blind and Visually Impaired (ICBVI), and the Idaho State Department of Education (SDE) regarding roles and responsibilities around issues related to transition. The agreement also provides a framework for cooperation with regard to activities associated with the transition from school to adult life and the provision of services to these youth, for which overlap may exist. Finally, the information contained in this agreement serves as a practical guide for formalizing working relationships between local school agencies, the Idaho Commission for the Blind and Visually Impaired (ICBVI) and local IDVR vocational rehabilitation offices.

* Disclaimer: Title IV of the Workforce Investment Act of 1998 (WIA) was amended in 2014, and renamed the Workforce Innovation and Opportunity Act (WIOA); the new regulatory requirements have not yet been issued but are anticipated to be in effect in January 2016 2015.

SECONDARY TRANSITION COOPERATIVE AGREEMENT

Between

Idaho Department of Education

and

Idaho Division of Vocational Rehabilitation

and

Idaho Commission for the Blind and Visually Impaired

Section 1 Goal and Purpose

The goal of this Cooperative Agreement is to provide all eligible youth with disabilities appropriate personal, social, academic and vocational skills, which lead to a successful transition from school to employment and adult life.

WHEREAS,

the foundation for developing an Idaho transition service delivery system is set forth in this cooperative services agreement, which is based upon a mutual commitment to placement of persons with disabilities in the least restrictive environment, the provision of coordinated transition services and the ultimate goal of gainful employment.

THEREFORE,

Idaho Division of Vocational Rehabilitation (IDVR), the Idaho Commission for the Blind and Visually Impaired (ICBVI), and the Idaho State Department of Education (SDE) agree as follows:

1. To emphasize a team based approach to secondary transition and vocational rehabilitation that allows for flexibility in planning and delivering services.
2. To conduct individual student assessment needed to plan transition services, including the need for assistive technology. Such assessments may be conducted by the local school district, IDVR, ICBVI or agencies working in partnership.
3. To cooperate in the development of transitioning students' Individualized Education Programs (IEPs) and any relevant Individual Plan for Employment (IPEs). Development of the IEP is vested with the IEP team, including the student and his/her parent or guardian. Approval of the IPE is vested with the IDVR or ICBVI, the student and his/her parent or guardian.
4. That the determination of the student's eligibility for vocational rehabilitation services rests with the IDVR and/or ICBVI.

5. To share student information regarding medical, vision, psychological, educational and/or social history records in accordance with the guidelines of confidentiality required by the Individuals with Disabilities Education Act (IDEA), as amended, the Rehabilitation Act of 1973, as amended, the Family Education Rights and Privacy Act (FERPA), the Idaho Student Data Accessibility, Transparency and Accountability Act of 2014 (Idaho Student Data Act) and any other applicable federal or state confidentiality laws. This information will assist in determining eligibility for vocational rehabilitation services and identifying vocational rehabilitation and educational services needed for employment.
6. To provide cross training of staff on education and vocational rehabilitation issues.
7. To reconvene the IEP Team that includes IDVR and/or ICBVI when services are not provided as described in the student's IEP. IDVR and ICBVI will provide vocational rehabilitation services under the IPE according to the Rehabilitation Act and its amendments. Disputes regarding this provision shall be resolved using the process described Section 9: Dispute Resolution of this agreement.
8. That they do not discriminate in employment, eligibility for services or type of service provision based solely upon considerations of race, color creed, age, sex, or disabling condition. They further agree that they do not contract or do business with other parties or entities that do.
9. That those obligations specifically assigned to the parties to this agreement by law, regulation or rule will not be violated in the discharge of this cooperative agreement.
10. To make pre-employment transition services available to all eligible students with disabilities.
11. To provide pre-employment services to youth with the most significant disabilities to enable them to obtain competitive integrated employment.
12. To emphasize the need for youth with disabilities to have more opportunities to practice and improve their workplace skills, to consider their career interests, and to get real world work experience.
13. To promote youth with disabilities' participation in postsecondary education to enable them to obtain advances in high-demand jobs and careers including science, technology, engineering, and mathematics (STEM) careers.

Section 2 Effective Date

This cooperative agreement is effective upon signature by all parties. This cooperative agreement shall remain in effect for one year subject to legislative or other changes requiring amendment, revision or termination. Actions shall be initiated in writing by the requesting party.

Section 3 Legislative Intent

- A. National public policy for individuals with disabilities embodies values and establishes philosophical foundations set by the core belief that disability is a natural part of the human experience. These values and foundations have been recognized in the promulgation of the following federal laws: the Americans with Disabilities Act (ADA), the Individuals with Disabilities Education Act (IDEA), as amended, and the Rehabilitation Act of 1973, as amended, contained in Title IV of the Workforce Investment Act of 1998 (WIA). These philosophical underpinnings together with federal and state statutes direct the need for interagency collaboration and shared responsibilities to increase opportunities for successful transition to employment and adult life for youths/consumers with disabilities.
- B. Specifically, this interagency cooperative agreement, consistent with public policy, is intended to promote and enhance the following principles to best meet the full spirit and intent of federal and state statutes:
 - 1. That a disability does not diminish the right of individuals to live independently; enjoy self-determination; make choices; contribute to society; pursue meaningful careers; and enjoy full inclusion and integration in the economic, political, social, cultural, and educational mainstream of American society;
 - 2. That increased employment of individuals with disabilities can be achieved through the provision of individualized training, independent living services, educational and support services, and meaningful opportunities for employment in integrated work settings through the provision of reasonable accommodations;
 - 3. That since no one agency has the resources or singular responsibility for the vocational preparation of youths with disabilities, collaboration is essential between agencies to assure that individuals with disabilities obtain employment, economic self-sufficiency, independence, and inclusion and integration into society;
 - 4. That there is the intent of each agency to promote the provision of needed transition services and supports in timely, effective and appropriate ways avoiding a break in service through teamwork, coordinated planning, and shared responsibility.

Section 4 Roles and Responsibilities of Each Party

- A. The Idaho State Department of Education (SDE) agrees:
 - 1. To assume the role of lead agency in facilitating interagency planning with LEAs and implementation of educational programs and transitional services for youth with disabilities in transition from high school to post-high school services.
 - 2. To support LEAs in their efforts to write IEPs using an outcome oriented focus and to coordinate transition activities for each eligible student, beginning no later than the

IEP before the student turns age 16 years (earlier if appropriate), and to address future student needs in the areas of employment; post-secondary education, vocational training; and adult living and community participation, including assistive technology.

3. To invite IDVR and ICBVI to provide information regarding their services, including their role as an IEP team member, to school district personnel, students and their families.
 4. To work with IDVR and ICBVI counselors (also referred to as “vocational rehabilitation counselors”) to identify a process for such counselors to provide input and participate in the development of an individual student’s IEP, including transition services.
 5. To identify appropriate school personnel who, with prior consent from adult students or students’ parents or legal guardians, will initiate the referral process of students receiving special education services, students with disabilities (e.g. physical, medical, visual) who are not eligible for special education services, and students who have a 504 Plan (Rehabilitation Act of 1973), to IDVR and/or ICBVI for determination of eligibility for vocational rehabilitation services.
 6. To support LEAs and schools to, with prior consent from adult students or students’ parents or legal guardians, refer transitioning students with disabilities to IDVR and/or ICBVI, when it is deemed appropriate by school personnel to refer based on the individual needs of the student, so that IDVR and/or ICBVI can become involved with the Individual Education Plan (IEP) team, assist with development of the IEP, participate in determination of needed transition services, assess eligibility for vocational rehabilitation services and develop an Individual Plan for Employment (IPE).
 7. To invite the IDVR and/or ICBVI counselors, with prior consent from adult students or students’ parents or legal guardians, to participate as members of IEP teams for students who have been referred to IDVR and/or ICBVI for rehabilitation services, or earlier if appropriate.
 8. To develop transition services for individual students receiving special education services that incorporate input and information provided by IDVR and/or ICBVI counselors.
- B. Idaho Division of Vocational Rehabilitation (IDVR) and Idaho Commission for the Blind and Visually Impaired (ICBVI) agree:
1. To encourage staff to work closely with school district personnel to ensure coordination between education services and vocational rehabilitation services.

2. That IDVR and ICBVI counselors will provide training to school district personnel, students and families on all aspects of vocational rehabilitation services, including their roles as IEP team members.
3. That IDVR and ICBVI counselors are available to consult with educators concerning vocational rehabilitation services for transitioning students to assist them toward employment.
4. That IDVR and ICBVI counselors will collaborate with the school districts in their service areas to identify a process for the counselors to provide input and participate in the development of the transition services included in IEPs.
5. That IDVR and ICBVI counselors will consult with educators concerning referral of students to IDVR and/or ICBVI for rehabilitation services. Students with blindness or visual impairments should be referred to ICBVI. Students with multiple disabilities may have dual cases with both IDVR and ICBVI providing rehabilitation services.
6. That IDVR and ICBVI counselors will accept referrals, when it is appropriate based on the individual needs of the student, to determine eligibility and will work collaboratively, with input from the student's IEP team, to develop IPEs. The vocational rehabilitation counselor, student, student's parent or legal guardian, and members of the student's IEP team will collaborate to identify required vocational rehabilitation services that move the student to their employment goal.
7. That IDVR and/or ICBVI counselors may attend IEP team meetings for each referred student upon timely invitation by school personnel and the student and/or student's parent or legal guardian. The IDVR and/or ICBVI counselors will provide written recommendations, if requested, for use in developing IEPs when unable to attend.
8. All state plan requirements, including a state's order of selection, will apply to all services provided under this cooperative agreement.

C. The Idaho Division of Vocational Rehabilitation (IDVR) agrees:

1. To continue current funding of IDVR School Work Counselors in conjunction with matching funds from participating school districts. Ensure that in schools where School Work Counselors are located, cooperative agreements are developed or continued between the local education agency and IDVR to identify each agency's responsibilities to this partnership. The continuation and development of the IDVR School Work Counselor positions are dependent on the receipt of adequate funding from the federal government and/or Idaho state legislature.

Section 5 Definitions

- A. Transition Services: A coordinated set of activities for a child, that is designed within an results-oriented process, that is focused on improving the academic and functional

achievement of the child with a disability to facilitate the child's movement from school to post-school activities including post-secondary education, vocational training, integrated employment (including supported employment), continuing and adult education, adult services, independent living, and community participation; is based on the individual child's needs, taking into account the child's strengths, preferences, and interests; and includes 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. Individuals with Disabilities Education Improvement Act 2004; 34 CFR. 300.43 and the Workforce Investment Act 1998, 34 CFR 361.5(b)(55).

B. Vocational Rehabilitation

1. Eligibility: The vocational rehabilitation counselor must document and validate the following for each individual determined eligible for rehabilitation services:
 - a) The presence of a physical or mental impairment(s); and
 - b) That the impairment(s) constitutes or results in at least one substantial impediment to employment which is consistent with the individual's abilities and capabilities; and
 - c) That the individual needs rehabilitation services to prepare for, enter, engage in or retain gainful employment that is consistent with his/her strengths, resources, priorities, concerns, abilities, capabilities and interests; and
 - d) That the individual can benefit from the provision of vocational rehabilitation services, in terms of an employment outcome.
2. Individual Plan for Employment (IPE): A written document that is developed, reviewed and revised collaboratively by the vocational rehabilitation counselor and the client, or a representative to identify services required to achieve the agreed upon employment outcome.
3. Service: A type of vocational rehabilitation service which consists of the furnishing of labor, time, or effort on behalf of an applicant or eligible individual to assess eligibility and vocational rehabilitation needs, to accommodate barriers to employment, and to enable the individual to achieve his or her planned employment outcome.
 - a) Once the Individualized Plan for Employment (IPE) has been developed, agreed to and signed by the youth or his/her representative and the State VR counselor, services shall be provided as outlined on the IPE.
 - b) Services shall be provided in the most integrated settings.
 - c) When services are being provided to an individual who is also receiving services under individualized plans established by other federal or state programs, services under the IPE will be provided in coordination with such programs.

- d) When a decision is made that a requested service is neither necessary nor appropriate, the individual shall be provided written notification of the basis for this determination and the specific means for appealing the decision.
4. Employment outcome: Entering or retaining full-time or, if appropriate, part-time competitive employment in the integrated labor market, supported employment, or any other type of employment in an integrated setting, including self-employment, telecommuting, or business ownership, that is consistent with an individual's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice. 34 CFR 361.5(b)(16).
5. Section 504: Section 504 of the Rehabilitation Act of 1973 prohibits discrimination against persons with disabilities by school districts receiving federal financial assistance. Section 504 applies to all youths who have any physical or mental impairment that substantially limits one or more major life activities, have a record of such an impairment, or are regarded as having such an impairment (34 CFR 104.3(j)). Major life activities include but are not limited to walking, seeing, hearing, speaking, breathing, learning, working, caring for oneself and performing manual tasks. All youths who meet this definition are protected under Section 504 regardless of their eligibility for special education under IDEA. For every youth determined to have a disability under Section 504 and who does not meet the eligibility requirements for special education under IDEA, the district must develop and implement a plan for the delivery of needed services required by Section 504 (34 CFR 104.35).

C. Idaho Department of Education (SDE)

1. Eligible Youth: An individual with a disability who is eligible to receive services from the educational system through general education (Section 504) or special education (IDEA).
2. Special Education: Specially designed instruction and related services, to meet the unique needs of a child with a disability to access and progress in the general curriculum, provided at no cost to the parents.
3. IEP: Individualized Education Program under the IDEA. IEPs are written documents that outline specific educational plans for each student with a disability including goals, intermediate objectives, responsibilities and specific services to be provided, the anticipated beginning date and duration of services. When special education services are provided to a student who is also receiving services under an individual plan established by other federal or state programs, efforts will be made to coordinate the IEP with other services plans.

4. **Related Services:** Services that a student may need to benefit from their special education including, but not limited to, transportation, speech-language therapy, psychological and social work services, physical and occupational therapy, and counseling services including rehabilitation counseling.
5. **Local Education Agency (LEA):** A public board of education or other public authority legally constituted within Idaho for either administrative control or direction, or to perform a service function for public elementary or secondary schools or for a combination of school districts.

Section 6 Agency Financial Responsibilities

- A. The IEP team, including the IDVR and/or ICBVI counselor, will utilize the IEP process to determine services necessary for the student to reach his or her identified post school outcome and outcome for employment as written in the IEP and IPE and will negotiate and identify, if any, the financial responsibility of IEP team members.
- B. In order to provide vocational rehabilitation services to eligible transitioning students, IDVR and the ICBVI require a search for comparable benefits (e.g. Medicaid, SSI) and the completion of a Financial Needs Assessment/Cost Sharing Agreement for client financial participation prior to expenditures of IDVR or ICBVI funds. If one or more vocational rehabilitation services is also identified by the child's IEP team as necessary for the child to receive a free appropriate public education (FAPE), the district may cover the parent's financial obligation for said service(s).
- C. The parties anticipate that local school districts will purchase any assistive/equipment determined through the IEP process to be necessary for the educational program of individual students who are enrolled in the district. IDVR and/or ICBVI may be responsible for the purchase of any assistive technology devices or equipment while the student is still enrolled in school, if such equipment or devices are necessary to the students' eventual employment.
- D. The school districts will determine their continued needs for specific assistive technology equipment or devices purchased and if such equipment is no longer needed by the school district for educational purposes, the district may transfer ownership of the device to IDVR or ICBVI. Assistive technology equipment or devices purchased by the District may be purchased from the District if the student requires the continued use of such equipment to achieve his/her employment outcome. IDVR or ICBVI will compensate the school district for the cost of the equipment or devices at a rate of 50% of the original cost.

Section 7 Policies, Procedures and Practices that Can Be Coordinated

A. Outreach and Technical Assistance

1. The vocational rehabilitation agency is mandated to initiate outreach to and identification of students with disabilities who need transition services. This involves informing the student (or, when appropriate, their representative) as early as possible about the vocational rehabilitation program, its purpose, eligibility criteria, application procedures and scope of available services. Section 101(a)(11)(D)(iv) of the Rehabilitation Act; 34 CFR 361.22(b)(4).
2. The vocational rehabilitation agency must provide consultative and technical assistance services to assist educational agencies in planning for the transition of students with disabilities from school to post-school activities, including employment. 34 CFR 361.49(a)(7).

B. Referral Process

1. Referrals to Vocational Rehabilitation can be made by youths, parents or legal guardians, educators, or other service providers.
2. Vocational Rehabilitation will accept youth referrals and determine rehabilitation program eligibility. Eligibility is based upon pertinent medical and/or psychological documentation, education information and related factors that bear on the individual's impediment to employment and his/her rehabilitation service needs. Such information will be obtained, with proper written consent from adult students or students' parents or legal guardians, from the school and other appropriate entities.
3. If a youth has withdrawn from school, VR staff will encourage the individual to return to the school setting in an attempt to have structured within the district an educational/vocational education program that will lead to completion of an appropriate course of study. If it becomes apparent that it is not feasible for the youth to return to school, and he/she is eligible for vocational rehabilitation, necessary services will be provided in an attempt to enable the youth to achieve stable employment.
4. In the event Vocational Rehabilitation cannot provide services to all eligible individuals, youths will be served on the basis of an Order of Selection. Although some youths may need to wait for services, all potentially eligible youths should be referred. In this way, when services are available, the eligibility process will have been completed.

C. Data Release and Data Sharing

1. This cooperative agreement shall help both parties protect confidentiality and minimize duplication of effort and unnecessary expenditures of funds. To this end, with the signed Release of Information provided by the youth and, when necessary and appropriate, parent/guardian, all pertinent medical, psychological, vocational,

educational, recreational and other information relating to the individual and his or her impediment(s) to employment and rehabilitation needs, in the possession of one agency will be provided to the other agency upon request and at no cost to either agency. However, it is understood by all Parties that the SDE will not providing confidential student information to any of the Parties. Rather, the Parties anticipate that once all necessary releases are signed, necessary student information will be provided to the requesting Party by Local Education Agencies.

2. In cooperation each agencies understand that all youth information is to be treated as confidential and all State and Federal regulations surrounding youth confidentiality are mutually binding.
3. Vocational Rehabilitation will obtain and use existing assessment or evaluative information whenever possible.

D. Planning

1. Beginning no later than the IEP before the student turns age 16 years (earlier if appropriate), the Individualized Education Program (IEP) for each youth must include a statement of the needed transition services, including, if appropriate, a statement of each public education agency's and each participating agency's responsibilities and/or linkages. To this end, the public education agency shall invite a representative of any agency that is likely to be responsible for providing or paying for transition services and, use a variety of strategies to ensure that appropriate linkages are made before the student leaves school. For eligible students, the IEP will be developed to coordinate with plans developed through other agencies.
2. In conjunction with the IEP which addresses transition, an Individualized Plan for Employment (IPE) will be developed for all individuals determined eligible by the State VR agency that will document their rehabilitation goal and the course of action designed to enable the individual to achieve the stated goal, as well as timelines. The development of the IPE requires active participation from the youth and may involve participation and support from the parent and/or guardian. Participation from appropriate school personnel may be encouraged in the development of this plan.
3. The IPE must be developed, agreed to and signed by the student, or the student's representative, and the state VR counselor, as early as possible in the transition process, but no later than the time each VR eligible student leaves the school setting. Section 101 (a)(11)(D) of the Rehabilitation Act. The same applies for those able to be served if Order of Selection is in effect. Section 101 (a)(9)(A) of the Rehabilitation Act; 34 CFR 361.22(a).

E. Services

1. The Idaho Department of Education will assume primary responsibility for assuring that each Local Education Agency will have IEPs and supporting planning documents

that specify an array of curricular options and experiences designed to assist youths to make smooth transitions from school to post-school activities. Services are based on the individual needs of the youth and the desired post-school outcomes.

2. IDVR, ICBVI, and the local school agency may coordinate planning, assessment, training, and other transition services necessary for eligible youth to achieve his or her chosen employment outcome.
3. Rehabilitation services will be provided as outlined in the Individualized Plan for Employment.

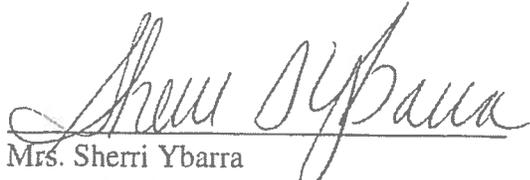
Section 8 Dispute Resolution

All participating agencies agree to resolve disputes that arise in the provision of services to youth with disabilities and to ensure that services to children and families are not disrupted, by using the following process to resolve interagency disputes:

1. All attempts should be made to resolve disputes regarding transition services and fiscal issues at the level closest to the student;
2. An individual with a concern will first use the agency's internal procedures to address the concern. Technical assistance to clarify the intent of the agreement may be sought from the SDE Division of Special Education and Idaho Division of Vocational Rehabilitation;
3. When the dispute is between agencies, then the district special education director or superintendent, IDVR regional manager, or ICBVI rehabilitation services chief, will meet and resolve the issue;
4. If not resolved, then dispute will be referred to the Department of Education's Dispute Resolution Coordinator, Idaho Division of Vocational Rehabilitation's Chief of Field Services, or Idaho Commission for the Blind and Visually Impaired Administrator for final resolution.

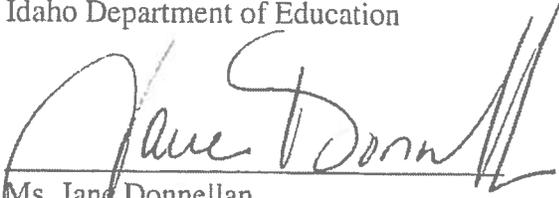
Section 9 Signatures, Titles and Date of Signing

The agreement will be reviewed annually and may be revised or amended by mutual consent in conformity with the regulations of the Idaho Division of Vocational Rehabilitation, the Idaho Department of Education, and Idaho Commission for the Blind and Visually Impaired. This agreement becomes effective upon date of signature and will remain in effect until amended or terminated.



Mrs. Sherri Ybarra
State Superintendent of Public Instruction,
Idaho Department of Education

1/30/11
Date Signed



Ms. Jane Donnellan
Interim Administrator,
Idaho Division of Vocational Rehabilitation

2/5/15
Date Signed



Ms. Angela Jones
Administrator,
Idaho Commission for the Blind and Visually Impaired

2/6/15
Date Signed