

COOPERATIVE AGREEMENT FOR 9/01/2019-6/30/2023

The Rhode Island Department of Education and Department of Human Services/Office of Rehabilitation Services

I. PURPOSE OF COOPERATIVE AGREEMENT

A. OVERVIEW

This Cooperative Agreement (CA) represents a vision of collaboration between The Rhode Island Department of Education (RIDE) and the Department of Human Services/Office of Rehabilitation Services (DHS/ORS) that will affect the successful transition of students with disabilities from school into Vocational Rehabilitation Services for achieving a successful employment outcome. The CA will be coordinated with other cooperative agreements and the policies and procedures of RIDE and DHS/ORS.

The CA is not a financial agreement; however, roles and responsibilities, including financial responsibilities, of RIDE and DHS/ORS are identified in the document. No payment will be made to either party by the other party as a result of this CA. Each party/agency will provide services according to their respective regulatory requirements governed by the Individuals with Disabilities Education Act and the Rehabilitation Act of 1973, as Amended by the Workforce Innovation and Opportunity Act of 2014. The roles and responsibilities, including financial responsibilities, of RIDE and DHS/ORS are identified in the document.

The Individuals with Disabilities Education Act (IDEA) and the Rehabilitation Act, as amended by WIOA, require State Educational Authorities (SEAs) and Vocational Rehabilitation agencies to plan and coordinate Transition services, as well as Pre-Employment Transition Services (PRE-ETS), 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) as amended by WIOA.; Sections 113 and 511 of the Rehabilitation Act, and the Final Regulations: State Vocational Rehabilitation Services Program; State Supported Employment Services Program; Limitations on Use of Subminimum Wage.

B. DURATION

The CA between the Rhode Island Department of Education (RIDE) and the Department of Human Services/Office of Rehabilitation Services (DHS/ORS) Cooperative Agreement covers the period of September 1, 2019 to June 30, 2023.

The CA will be reviewed on an annual basis including a review by the State Rehabilitation Council (SRC) and State Special Education Advisory Committee (RISEAC.)

The CA can be amended and/or extended in writing with the agreement of both parties.

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The CA may be terminated according to standards described in the Administrative Procedures Act.

C. GUIDING PRINCIPLES:

RIDE and DHS/ORS have established a common set of principles to guide the implementation of the CA. These are presented as a set of common expectations for the execution of the agreement:

- Students will be provided support in mastering self-determination and self-advocacy skills necessary to direct their own future.
- Students will guide the planning for both their individualized education and vocational rehabilitation services.
- Students will be provided opportunities to develop skills necessary to exercise informed choice.
- Students will be provided education and vocational rehabilitation services in the most natural setting for the skills being developed.
- Students will become increasingly self-directed as part of the transition from school to adult life.
- Students will be knowledgeable about supports and services available and how to access them.
- Students will be prepared to pursue or explore post-secondary career options.

It is the intention of RIDE and DHS/ORS to develop effective transition practices in partnership with all public agencies and local education agencies (LEA) engaged in the transition process to achieve these common expectations.

II. ROLES AND RESPONSIBILITIES:

A. FINANCIAL:

RIDE and LEAs will be responsible for transition services mandated by Federal and State laws and regulations. DHS/ORS will be responsible for Transition and Pre-Employment Transition services (PRE-ETS) consistent with the Rehabilitation Act, as Amended by WIOA 2014. RIDE will be responsible for ensuring that a free and appropriate education (FAPE) is made available to eligible students, including special education services included in the individualized education program (IEP), as authorized by the IDEA.

Pursuant to 34 C.F.R. §300.154(b)361.22(c), nothing in this part will be construed to reduce the obligation under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) of a local educational agency or any other agency to provide or pay for any 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 within the State involved.

Section 113(a)(b) of the Rehabilitation Act, as well as final §361.48(a)(2), requires ORS, in collaboration with the RIDE, to ensure that the required five PRE-ETS services are made available statewide to all students with disabilities in need of such services. RIDE will support ORS's collaboration with Local Education Authorities (LEA) in providing or arranging for the five required PRE-ETS described in this agreement to students with documented disabilities (students

14 years of age through their exit from high school) as defined under §361.5(c)(51), based on individual need, once a student requests or is recommended for one or more of the PRE-ETS services. Any PRE-ETS service that ORS provides will be available to students identified by the school of record or to a student known as a person with a disability by the VR counselor.

B. JOINT RESPONSIBILITIES:

Both RIDE and ORS/DHS are the lead agencies in executing this CA as follows:

- All personnel assigned to responsibilities described in this agreement will comply with the certification requirements of the respective lead agencies.
- RIDE and DHS/ORS will utilize the RI Transition Council and the State Rehabilitation Counsel as a venue for developing transition-related policies in the respective agencies.
- RIDE and DHS/ORS will follow their own agency's policies for the review and development of policies including the review of the Special Education Advisory Committee.
- RIDE and DHS/ORS will notify each other when new policies are in development or of policies that are being revised, to encourage collaboration in policy development related to transition.
- As new federal or state requirements or initiatives are identified, VR and RIDE will provide joint training to school personnel and VR staff whenever possible.
- ORS and RIDE will address issues and concerns related to coordination and implementation of PRE-ETS and transition services in schools.
- If roles and responsibilities for the provision of PRE-ETS and transition services are unclear, ORS will contact the appropriate RIDE IDEA staff to clarify the roles and responsibilities of each entity.
- RIDE will support ORS staff in efforts to assist LEAs on issues and concerns related to coordination and implementation of pre-employment transition services and transition services.
- Section 511 of the Rehabilitation Act requires that anyone age 24 or younger may not start at subminimum wage unless it is documented that the person received pre-employment transition services or transition services under the Individuals with Disabilities Education Act (IDEA), and/or applied for ORS services and was unable to be successfully employed in an integrated competitive employment setting. For the purposes of a 2013 Consent Decree between the DOJ and state of RI, RIDE supports ORS in promoting Supported Employment Services where the individual is compensated at or above minimum wage in an integrated employment setting.
- Inform staff, students, legal guardians and parents of the mandates found in the 2013 Consent Decree between the DOJ and the state of Rhode Island which have requirements about integrated work experiences and competitive employment as expectations of Rhode Island as an Employment First state.

C. DHS/ORS RESPONSIBILITIES:

The DHS/ORS Associate Director or his/her designee will assign a Vocational Rehabilitation Counselor to each comprehensive high school in the state. The list of assigned Vocational Rehabilitation Counselor will be included in RIDE and DHS/ORS promotional materials.

- Assigned Vocational Rehabilitation Counselors will maintain a schedule of availability in each assigned school and convey this schedule to appropriate local education agency personnel.
- DHS/ORS is responsible for the implementation and compliance of Title IV of the Rehabilitation Act as amended by WIOA and all related Rhode Island laws and regulations.
- DHS/ORS will request LEAs, through the high school department chair or designee, to make every effort to schedule Individual Education Program (IEP) meetings during the scheduled hours of the Vocational Rehabilitation Counselor no less than one month prior to the IEP meeting. If the assigned counselor is unable to attend the meeting, the school personnel, student and parent will have materials about Vocational Rehabilitation Services available for the IEP. Assigned Rehabilitation Counselors will make every attempt to attend IEP meetings for DHS/ORS eligible students expecting to graduate in two years or less.
- Rehabilitation Counselors will make efforts to attend meetings and events at assigned schools to share information about Vocational Rehabilitation including PRE-ETS, adult services, transition services, materials and the Order of Selection with students, parents, special education staff and school personnel. Rehabilitation Counselors will provide brochures and materials about the VR process and services to the school districts for distribution to students, parents, legal guardians, teachers and others.
- Students with disabilities, including those who have not yet applied for or been determined eligible for VR services will be informed by ORS of their ability to participate and receive the PRE-ETS services they may need. These services will be described and included in the IEP as appropriate, along with the identified Transition services.
- Students found eligible for Vocational Rehabilitation, who have a 504 plan or an IEP, are subject to the Order of Selection prioritization and placement on a Waiting list for services. Once off the Wait List, the student will have an Individualized Plan for Employment (IPE) developed in coordination with the assigned Rehabilitation Counselor no later than the senior (or graduating) year.
- ORS will plan for statewide implementation of PRE-ETS and transition services in keeping with this Agreement, policies, procedures and guidelines.
- ORS will accept referral of students with disabilities during the transition planning process
 - for the provision of PRE-ETS and Transition services.
- ORS will provide consultation with and training 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/504 process and provision of pre-employment transition services.
- Assess, plan, develop and provide 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 VR eligibility determination, unless an extension is approved.
- Provide consultation to assist in the identification of eligible and potentially eligible students with disabilities and assessment of their individual needs.

- Provide or arrange for the provision of 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, Order of Selection, vocational assessment for employment and postsecondary planning and Client Assistance Program (CAP).
- Obtain written consent for the release of confidential information, pursuant to ORS policy and procedures, federal and state laws and regulations regarding confidentiality.
- Share information regarding policies, procedures, guidelines, programs and services for the purpose of improving the access to, and availability of, PRE-ETS and Transition services.
- Promote employer participation in providing opportunities for work-based learning for students with disabilities.
- DHS/ORS will assist with identification of students with disabilities for PRE-ETS and Transition services and who may be eligible for services.
- DHS/ORS will ensure applications are widely available to students with disabilities and their families; describe the referral process, application procedures, as well as timelines for each; provide informational literature; and explain eligibility requirements and the eligibility determination timeline. When an application is submitted, ORS will make an eligibility determination within 60 days unless exceptional and unforeseen circumstances beyond ORS's control preclude making an eligibility determination within 60 days and ORS and the students with disabilities agree to a specific extension of time.
- DHS/ORS will maintain an active presence and receive referrals of students with disabilities for pre-employment transition services as well as potential ORS applicants at: parent support groups, parent forums hosted by high schools, transition and career fairs, programs providing independent living skills training, organizations serving youth who are blind, partially sighted, deaf, hard of hearing or deaf-blind.
- Referral for ORS services can occur at any time during the school year and will be processed immediately upon receipt. ORS will communicate by phone, mail, or email with the referred students with disabilities and parents, as needed and appropriate, to submit an application and/or schedule an intake appointment.

D. RIDE AND LOCAL EDUCATION AGENCY RESPONSIBILITIES:

- High school department chair or designee will strive to schedule Individual Education Program (IEP) meetings during scheduled hours of the Rehabilitation Counselor no less than one month prior to the IEP meeting. If the assigned counselor is unable to attend the meeting, the school personnel, student and parent will have materials about ORS for the IEP meeting.
- The development, scheduling and coordination of the IEP meeting.
- Mechanisms to monitor the implementation of this section of the CA will be included in the RIDE School Support Monitoring process.
- RIDE and LEAs will support ORS in the dissemination and implementation of pre-employment services information and services.

RIDE will assign the State Transition Coordinator. This CA does not reduce the obligation under IDEA of a local education authority or any other agency to provide or pay for any transition services that are also considered special education or related services and that are necessary for ensuring a free appropriate public education to students with disabilities within the state.

III. COORDINATION AND COLLABORATION:

- A. The DHS/ORS Administrator and the RIDE Director of Student, Community and Academic Supports will assign a representative to the RI Transition Council and commit available resources to support technical assistance and consultation activities. The RI Transition Council is a committee represented by education officials, state and community providers of transition services to youth and young adult services.

Consultation and technical assistance may be provided on-site or through alternative means such as conference calls and video conferences. Areas of consultation and technical assistance include information on the following:

- The ORS Order of Selection and Waiting list
- Assistive technology evaluations
- PRE-Employment Transition Services
- ORS eligibility criteria
- Social Security Benefits planning
- ORS Referral procedures
- Work experience development
- Strategies for successful job placement
- Career exploration
- Local resources for transition in addition to ORS
- Federal financial aid available for postsecondary education

ORS and RIDE agree to provide cross-training as needed. RIDE and DHS/ORS will utilize DHS/ORS Comprehensive Needs Assessment, Transition Council and the DHS/ORS State Rehabilitation Council assessment information to establish training priorities. They will provide professional development activities conducted by each agency and will notify RI Transition Council partner agencies of new programs that are developed. DHS/ORS and RIDE will coordinate for cross training opportunities between the two agencies. Both parties will jointly fund and sponsor training for their respective staff members and Local Education Agency (LEA) personnel. Training will focus on existing and new State or Federal requirements or initiatives that impact the provision of services by both entities concerning education of individuals with disabilities, their transition from school to employment, vocational rehabilitation services, assistive technology, and the substance of this CA.

Mechanisms to monitor the implementation of this section of the CA will be included in the RIDE School Support Monitoring process and periodic review by the DHS/ORS Transition Coordinator.

IV. TECHNICAL ASSISTANCE AND OUTREACH

A. TECHNICAL ASSISTANCE:

RIDE and DHS/ORS will provide consultation and technical assistance, as needed, to assist educational agencies in planning for the transition of students with disabilities from school to post-school activities, including Pre-ETS, Transition and other vocational rehabilitation services.

B. OUTREACH:

Outreach to and identification of students with disabilities, who need PRE-ETS and Transition services, have an IEP or 504 plans, as early as possible during the transition planning process. Ensure DHS/ORS Rehabilitation Counselors are informed of outreach opportunities in high schools to connect with eligible students and parents. Outreach will include a description of the purpose of the VR program, eligibility requirements, application procedures and scope of services that may be provided to both eligible and potentially eligible students and youth. In addition, DHS/ORS will participate in an annual orientation as part of a collaborative effort with other State Agencies for an Introduction to State Services with hand-outs for school personnel. The DHS/ORS program will, if on an Order of Selection (OOS), provide and include information about the timing of PRE-ETS, the application process and the Waiting List so students/parents are afforded opportunities for informed choice. With WIOA, the definition of transition has expanded to include outreach and engagement of parents or, as appropriate, the representatives of students or youth with disabilities.

RIDE and DHS/ORS will utilize existing RIDE census data to aid in the identification of possible eligible students. Collaboratively develop service delivery mechanisms to improve the positioning of Vocational Rehabilitation Services in school counseling (career guidance), school to career activities, career and technical education and other career development initiatives in Rhode Island high schools.

ORS and RIDE will provide support to identify 504 coordinators for each high school and enlist them to provide DHS/ORS information and facilitate potential referrals.

V. ASSURANCES:

A. CONFIDENTIALITY:

- RIDE will provide to ORS the data it collects from school districts regarding the number of special education students they are serving. Data provided to ORS will only be transferred if the release of the data is consistent with the requirements of the Family Education Rights and Privacy Act (FERPA).
- Personal information about any individual student or family will not be shared between RIDE and DHS/ORS without a release signed by the student (if 18 or over) or the parent or guardian when appropriate. Program evaluation reports and other data reports will include aggregate data rather than information about specific individuals. Specific information will not be included in public reports unless there is a specific signed release.

B. DISAGREEMENT RESOLUTION:

Additional considerations include grievance procedure to resolve disputes between RIDE and DHS/ORS, 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. A data sharing agreement is in place for implementation of the Consent Decree.

When RIDE and DHS/ORS cannot resolve disputes related to the implementation of this CA or the delivery of services, the Administrator of DHS/ORS and the RIDE Director of Student, Community and Academic Supports will review the dispute and determine together if resolution can be accomplished. The Administrator of DHS/ORS and the RIDE Director of Student, Community and Academic Supports will review the dispute related to the statutory obligations of each agency. The Administrator of DHS/ORS and the RIDE Director of Student, Community and Academic Supports will render a decision and inform all parties of the result and, if necessary, amend the MOU or other agreements or policies.

If the dispute is not resolved by the Administrator of DHS/ORS and the RIDE Director of Student, Community and Academic Supports, the dispute will be reviewed with the Director of the Department of Human Services and the Commissioner of Elementary and Secondary Education.

C. MEDIATION:

In the event of an unresolved dispute, the matter may be referred for mediation if both parties agree to mediation. A mediator acceptable to all parties will be designated and mediation attempted. RIDE and DHS/ORS will equally share the costs of the mediation.

D. ARBITRATION:

Should mediation be unsuccessful in resolving the dispute, the parties may proceed to arbitration. If a matter, which has been mediated, progresses to arbitration, all communications and deliberations related to the attempted mediation shall not be admissible in the arbitration. Arbitration through the American Arbitration Association is binding. The rules and regulations of the American Arbitration Association that are in effect shall apply. RIDE and DHS/ORS will share the cost of arbitration equally.

IN WITNESS WHEREOF, the parties hereto have hereunder sent their hands as of the date first above written and this Agreement made legally binding as follows:

RHODE ISLAND
DEPARTMENT OF HUMAN SERVICES:



COURTNEY HAWKINS,
DIRECTOR DEPARTMENT OF
HUMAN SERVICES

11/1/17

DATE

RHODE ISLAND
DEPARTMENT OF EDUCATION:



ANGELICA M. INFANTE-GREEN,
COMMISSIONER DEPARTMENT
OF EDUCATION

10/9/2019

DATE