

Agreement No.

**COOPERATIVE AGREEMENT
BETWEEN THE
OREGON DEPARTMENT OF HUMAN SERVICES
AND
THE OREGON DEPARTMENT OF EDUCATION**

In compliance with the Americans with Disabilities Act, this document is available in alternate formats such as Braille, large print, audio tape, oral presentation and electronic format. To request an alternate format, call the State of Oregon, Department of Human Services, Office of Contracts and Procurement at (503) 945-5818 or TTY (503) 945-5828.

This Agreement is between the Oregon Department of Human Services, Vocational Rehabilitation, hereinafter referred to as “VR” and the Oregon Department of Education, hereinafter referred to as “ODE.”

I. EFFECTIVE DATE AND DURATION

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.

II. AUTHORITY

Pursuant to ORS 190.110, state agencies may cooperate with each other in performing duties imposed on them. Under 34CFRR§100.34, 34 CFRR§300.600 and ORD 343.041, ODE has been charged with the responsibility to provide general supervision and ensure a free and appropriate public education to all students who are eligible for special education. Under 34 CFR§361.1-385.44, VR has been charged with the responsibility to provide vocational rehabilitation services to persons with disabilities including eligible school-age students with disabilities.

III. DEFINITIONS

1. **District and School District** means public school districts and ESDs, as defined in ORS 190.

2. **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.
3. **Free and Appropriate Public Education or FAPE** has the meaning set forth in the Code of Federal Regulations, Title 34: Education, Section 300.17.
4. **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.
5. **Individualized Education Program or IEP** has the meaning set forth in OAR Chapter 581 (Oregon Department of Education), Division 15 (Special Education), as amended.
6. **Individualized Plan for Employment or IPE** has the meaning set forth in OAR 582-070-0043, as amended.
7. **OAR** means Oregon Administrative Rules.
8. **ODE** means the **Oregon Department of Education**, the state agency responsible for overseeing Oregon'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 Oregon youth corrections facilities.
9. **Pre-Employment Transition Services or PETS** means the required activities that Oregon 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 the required PETS:
 - a. Job exploration counseling;

- b. 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;
- c. Counseling on opportunities for enrollment in comprehensive transition or postsecondary educational programs at institutions of higher education;
- d. Workplace readiness training to develop social skills and independent living; and
- e. Instruction in self-advocacy.

10. **Rehabilitation Act of 1973**, as amended or **Rehabilitation Act** means the federal law that provides for the provision of vocational rehabilitation and related services to eligible individuals with disabilities, and governs and guides the services provided by state vocational rehabilitation units, including Oregon Vocational Rehabilitation.

11. **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.

12. **Vocational Rehabilitation** or **VR** means the Oregon Department of Human Services program responsible for carrying out the responsibilities specified in Oregon Revised Statutes (ORS) 344.510 – 344.690.

13. **Vocational Rehabilitation Counselor** or **VRC** means a professional vocational rehabilitation counselor in the employ of VR.

14. **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.
15. **Oregon Tribal Vocational Rehabilitation Program or TVR** is under the federal Title 1 Rehabilitation Act as amended 1973. The purpose of this program is to assist tribal governments to develop or to increase their capacity to provide a program of vocational rehabilitation services, in a culturally relevant manner, to American Indians with disabilities residing on or near federal or state reservations. The program's goal is to enable these individuals, consistent with their individual strengths, resources, priorities, concerns, abilities, capabilities, and informed choice, to prepare for and engage in gainful employment. Program services are provided under an individualized plan for employment and may include native healing services.

There are five independent TVR programs in Oregon that provide different services. Eligibility is different for each of the five TVRs.

More information about the TVRs can be found here:

<https://www.oregon.gov/DHS/EMPLOYMENT/VR/Pages/Tribal-VR-Programs.aspx>

IV. SCOPE AND PURPOSE

The purpose of this cooperative agreement is to set forth the commitments of the ODE and VR to cooperate in activities leading to a successful transition for students with disabilities from a free and appropriate public education to postsecondary career-related training and employment activities. This agreement also recognizes that TVR programs provide services to American Indian Alaska Native students in the TVR's service-delivery areas.

V. CONFIDENTIALITY ASSURANCES

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

VI. RESPONSIBILITIES OF EACH PARTY

Oregon's Vocational Rehabilitation Program within the Department of Human Services and Oregon's Department of Education mutually agree to the following.

1. 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.
2. Foster innovation in transition program design and service delivery strategies between VR branch offices and local school districts.
3. Utilize a common message when sharing information to local VR branch offices and LEA's.
4. Post this agreement on their respective websites.
5. 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.
6. Develop and provide common trainings and professional development opportunities to improve transition and employment results.
7. 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 Oregon Developmental Disabilities Council
 - other entities as identified.
8. Mutually develop and distribute notices, memorandums and other information regarding transition to key stakeholders.

9. Give timely notice to key stakeholders of all proposed changes to rule or policy that relate to youth transition.
10. 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.
11. 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.

VII. LEAD AGENCY

ODE and VR will be the lead State agencies for the transition of youth who qualify for special education and/or 504 services and who are found eligible for VR services. ODE and VR will be the State lead agencies that outline the roles and responsibilities for qualified personnel responsible for transition services within their respective agencies.

While VR and ODE will operate as the lead agencies in these areas, they acknowledge that transition service for tribal youth with disabilities requires close coordination with the individual tribes. VR and ODE will work with individual tribes to coordinate transition services and when appropriate will independently offer MOU's with each of the tribal VR and education programs in the state to assist in this coordination of these transition services.

VIII. FINANCIAL RESPONSIBILITIES OF EACH PARTY

This Agreement does not involve any financial compensation from ODE or VR or exchange of funds between ODE and VR. Any agreements that do involve the exchange or blending of funds will be done through other agreements separate and apart from this agreement.

IX. RESPONSIBILITY OF THE PARTIES FOR DELIVERY OF SERVICES

1. 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.

2. In collaboration with ODE, VR will provide, when appropriate, in-service training available to LEA staff , VR field staff , and TVR Programs around topics or issues that are designed to improve the effectiveness of transition services and employment outcomes for students with disabilities.
3. LEA's will be responsible for the development of the IEP, including appropriate "transition services" and associated costs and other IEP-related services that are not generally available to all students through VR services.
4. VR will be responsible for the development of the IPE; related community based technical/occupational skill training and associated costs, and other IPE-related services that are not generally available to all students through the LEA. If the student is a federally recognized Native American Alaska Native student, VR will partner with the TVR in the identified service-delivery area to provide culturally relevant services.
5. VR services are available to applicants to the degree needed to establish eligibility, and for eligible individuals to determine the scope and nature of services and then the provision of those services. While VR bears primary financial responsibility for these services, VR will utilize comparable benefits when it will not impede the progress of IPE activities. If the student is a federally recognized Native American Alaska Native student, VR will partner with the TVR in the identified service-delivery area to provide culturally relevant services.
6. Co-manage eight regional positions (Transition Network Facilitators) that will work with high school to develop procedures for outreach and identification of students with disabilities who are in need transition services including but not limited to PETS. If the student is a federally recognized Native American Alaska Native student, VR will inform and refer students to TVR in the identified service-delivery area to access culturally relevant services so the student can make an informed choice about the services that they are eligible for and can receive. VR will also inform the student that the student can work with VR and TVR

independently and that both, VR and TVR, can work with the student at the same time.

A. VR shall:

1. Promote outreach to and identification of students with disabilities who are in need of transition services as early as possible during the transition planning process. Outreach to these students will include, at a minimum, a description of the purpose of the vocational rehabilitation program, eligibility requirement, application procedures, and scope of services that may be provided to eligible individuals. Outreach activities can include the use of brochures, social media, attendance at back to school nights and transition events.
2. Inform VR staff through the Transition Network Facilitators about services provided by LEAs to aid VR in carrying out the provision of PETS and other related “transition services” as defined by this MOU.
3. Inform ODE in writing of policies or procedural changes that may impact the eligibility of students with disabilities for VR services and the provision of services, so that ODE can disseminate such material to LEAs and the State Directors of Special Education.
4. Assign the following qualified staff positions to support transition activities and outcomes between LEAs and VR:
 - IDD Program Specialist
 - Counselor Specialists in IDD and Learning Disabilities,
 - Liaison Counselors
 - Youth Transition Coordinator
 - Branch Managers who will serve as the point of contact for local schools
 - VR will inform and refer students to TVR in the identified service-delivery area to receive culturally relevant services so the student can make an informed choice about the services that they are eligible for and can receive. VR will also inform the student that the student can work with VR and TVR independently and that both, VR and TVR, can work with the student at the same time.

5. Upon request from the LEA or ODE, provide technical assistance on how to identify potentially eligible students for services from VR and how to work with VR to provide transition services including the provision of pre-employment transition services.
6. Determine eligibility for VR service and provide rehabilitation services to school-aged students with disabilities when referred by the LEAs.
7. Upon request, work with ODE and other agencies through a variety of training activities to identify and plan transition strategies for students with disabilities requiring long-term support after VR time-limited services.
8. Inform LEAs and students and their parents of the availability of the Client Assistance Program, a dispute resolution program available to VR clients and participants in rehabilitation programs receiving federal funding.
9. Provide training to all VR counselors and qualified staff on their role in providing outreach activities to students with disabilities to include those served in special education, served under Section 504, and those served in general education.
10. Provide technical assistance to the schools to prepare students with disabilities for career opportunities.
11. Upon request, participate in transition planning with schools to facilitate the development of IEPs for students with disabilities.
12. Assure that IPEs are developed for students within 90 days of being determined eligible for vocational rehabilitation services.
13. Collaborate in the planning, development, and implementation of systems change through:
 - grants,
 - legislative initiatives and
 - other activities.
14. Where appropriate, collaborative partnerships will be expanded to include:

- the Oregon Commission for the Blind,
- Centers for Independent Living,
- Department of Human Services,
- Office of Developmental Disability Services,
- the Oregon Health Authority,
- Addictions and Mental Health,
- Oregon Tribal Vocational Rehabilitation Programs,
- parent advocacy organizations,
- Local Workforce Investment Boards,
- self-advocates universities and community colleges, and
- other community-based organizations.

15. Encourage VR branch office staff to collaborate in local community planning and implementation efforts that are focused on the transition of students with disabilities from school to postsecondary outcomes.

16. Upon request, provide information to the ODE State Advisory Council on Special Education to assist in the development of the Council's annual report to the Superintendent of Public Instruction.

B. ODE shall:

1. Inform LEA's through the Transition Technical 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 Youth Transition Program (YTP), Supported Employment (SE), or any other relevant programs provided by VR.
2. Provide representation on the VR State Rehabilitation Council and relevant committee participation.
3. Assign an Education Specialist to facilitate linkages between LEA's and VR and TVR:
 - a. Upon request from LEA's or VR, TVR, ODE will provide technical assistance on how to identify potentially eligible students for services from VR and how to work with VR/TVR to provide needed transition services.
 - b. Establish and disseminate a procedure for LEA release of student information to VR/TVR.

- c. Upon request, work with VR/TVR 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/TVR in an IPE.
4. Encourage LEA's to identify points of contact for VR field staff.
5. Collaborate in the planning, development and implementation of systems change through:
 - grants,
 - legislative initiatives and
 - other similar activities.
6. Where appropriate, collaborative partnerships will be expanded to include:
 - the Oregon Commission for the Blind,
 - Centers for Independent Living,
 - Department of Human Services – Office of Developmental Disability Services,
 - Addictions and Mental Health,
 - Oregon Health Authority,
 - tribal vocational rehabilitation programs,
 - parent advocacy organizations,
 - Local Workforce Investment Boards,
 - universities and community colleges, and
 - other community-based organizations.
7. Disseminate information regarding relevant training and workshops to the VR Training Unit.
8. 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.
9. On request, provide information to VR/TVR about vocational training programs in public education programs, approved private education

programs, and accredited postsecondary schools that are subject to ODE standards.

X. RESOLUTION OF DISPUTES ARISING FROM THIS AGREEMENT

1. ODE and VR agree that unresolved disputes between ODE and VR including disputes over the development of recommended procedures, access to and availability of services, and allocation of financial responsibility, will first be brought to mediation. The first step of mediation will be through the Governor's Dispute Resolution office. Other mediators may be selected by mutual agreement from a list of mediators maintained by ODE, VR, or the Department of Justice. The mediator's fee shall be shared equally between ODE and VR.
2. If mediation is unsuccessful in resolving the dispute, the parties shall appoint a dispute panel to hear the position of each party and make a final determination. The dispute panel will be comprised of an individual selected by ODE, an individual selected by VR and an individual selected mutually by the parties.
3. The dispute resolution procedures in the Agreement do not affect or diminish the procedural safeguards available to parents of children with disabilities under the IDEA or clients of VR under the Rehabilitation Act.

XI. 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.

XII. TERMINATION CLAUSE

Upon thirty (30) days written notice, either party may terminate this MOU at any time.

XIII. WRITTEN NOTICES

All notices regarding this Agreement shall be sent to the parties at the following addresses:

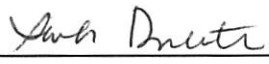
VR: Keith Ozols
Department of Human Services
Vocational Rehabilitation
500 Summer Street NE, E-87
Salem OR 97301-1120

ODE: Mitch Kruska
Oregon Department of Education
Director of Education Programs
Office of Learning/Student Services
255 Capitol Street NE
Salem OR 97310


XIV. SIGNATURES

This Agreement is executed on behalf of ODE and VR through the undersigned representatives on the dates indicated after their signatures.

**STATE OF OREGON, acting by and through the
Department of Education,**

By:  8-2-16
Sarah Drinkwater, Ph.D. Date
Assistant Superintendent
Oregon Department of Education

Reviewed/Office of Contracts and Procurement, ODE:

By:  8-23-2016
Lillie Gray Date ODE# 10794
Director of Procurement Services
Oregon Department of Education

**STATE OF OREGON, acting by and through the
Department of Human Services,
Vocational Rehabilitation:**

By: Trina M. Lee 7-26-16
Trina M. Lee Date
VR Director

Reviewed/Office of Contracts and Procurement, DHS:

By: _____
Date