

**MEMORANDUM OF UNDERSTANDING BETWEEN
OREGON DEPARTMENT OF HUMAN SERVICES,
OREGON COMMISSION FOR THE BLIND, AND
OREGON DEPARTMENT OF EDUCATION**

This Memorandum of Understanding (MOU) is between the Oregon Department of Human Services, Vocational Rehabilitation, hereinafter referred to as "VR", the Oregon Department of Education, hereinafter referred to as "ODE", and The Oregon Commission for the Blind, hereinafter referred to as "OCB".

I. EFFECTIVE DATE AND DURATION

This MOU shall become effective on the date on which all parties have signed the MOU. Unless terminated or extended, this MOU shall terminate on **June 30, 2021**.

II. AUTHORITY

Pursuant to ORS 190.110, State agencies may cooperate with each other in performing duties imposed on them. Under 34 CFR §100.34, 34 CFR §300.600 and ORS 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 and OCB have been charged with the responsibility to provide Vocational Rehabilitation services to persons with disabilities including eligible school-aged students with disabilities. Per 34 CFR §361.22(c), nothing under title I of the Rehabilitation Act shall be construed as reducing a LEA's or any other agency's obligation under the IDEA to provide or pay for Transition Services that are also considered special education or related services that are necessary for ensuring a Free and Appropriate Public Education (FAPE) to children with disabilities.

III. DEFINITIONS

1. **District** and **School District** mean public school districts as defined in ORS 330.005 and ESDs as defined in ORS 334.010 – 334.013.
2. **Local Education Agency (LEA)** means a public board of education or other public authority legally constituted within the state of Oregon (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 are recognized in the State as an administrative agency for its public elementary schools or secondary schools.
3. **Free and Appropriate Public Education (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 (IDEA)** means the federal law that requires the provision of special education and related services to eligible students with disabilities.
5. **Individualized Education Program (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 (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, regional programs for children with disabilities and education programs in Oregon youth corrections facilities.
9. **OCB** means **The Oregon Commission for the Blind**, the agency responsible for providing services to Oregon's citizens who experience vision loss and need specialized training and support to live full and productive lives.
10. **Oregon Tribal Vocational Rehabilitation Program (TVR)** is under the federal Title 1 Rehabilitation Act of 1973, as amended. 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 IPE and may include native healing services. Eligibility is different for each TVR program. More information about the TVRs can be found here: <https://www.oregon.gov/DHS/ABOUTDHS/TRIBES/Pages/Index.aspx>.
11. **Pre-Employment Transition Services (Pre-ETS)** means the required activities that VR and OCB, in collaboration with local School Districts, shall provide, or arrange for the provision of, for all students with disabilities between 14 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 Pre-ETS:
 - 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.
12. **Rehabilitation Act of 1973, as amended (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 VR and OCB.
13. **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:
 - a. Postsecondary education,

- b. Vocational education,
- c. Integrated employment (including supported employment and supported self-employment),
- d. Continuing and adult education,
- e. Adult services,
- f. Independent living, or
- g. Community participation.

- 14. Transition Technical Assistance Network (TTAN)** will provide technical assistance primarily aimed towards transition-aged students with disabilities. This could include technical assistance for teachers, administrators, and other educational service providers. Technical assistance could also be provided to adult service agencies such as VR developmental disability service programs, and student or family advocacy agencies.
- 15. Vocational Rehabilitation (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.
- 16. Vocational Rehabilitation Counselor (VRC)** means a professional Vocational Rehabilitation Counselor in the employ of VR or OCB.
- 17. Workforce Innovation and Opportunity Act (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.

IV. SCOPE AND PURPOSE

The purpose of this MOU is to facilitate and coordinate the receipt of Pre-ETS, Transition Services and other VR services to students with disabilities who are eligible or potentially eligible for VR or OCB services in order to facilitate their smooth transition from school to post-school employment-related activities and competitive, integrated employment.

This MOU sets forth the commitments of the ODE, VR, and OCB 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 MOU also recognizes that TVR programs provide services to American Indian Alaska Native students in the TVR's service- delivery areas.

This MOU will also serve as a mechanism for VR, OCB, and ODE to clearly specify the plans, policies and procedures for coordinating services to facilitate the transition of students with disabilities who are eligible or potentially eligible for VR and OCB services, including:

1. Pre-ETS;
2. Consultation and technical assistance, using alternate means for participation when needed (i.e. video or conference calls), to assist the ODE in planning for the transition of students with disabilities from school to post-school activities, including Pre-ETS, Transition Services, and other Vocational Rehabilitation services. The parties will provide this assistance to LEAs;
3. Transition planning by VR, OCB, ODE, and educational personnel that facilitates the

- development and implementation of a student's IEP;
4. Outreach to and identification of students with disabilities and assessment of their potential need for Transition Services and Pre-ETS;
 5. Documentation requirements set forth in section 511 of the Rehabilitation Act with regard to students with disabilities who are seeking subminimum wage employment.
 6. Assurance that ODE will not enter into an arrangement with an entity holding a special wage certificate under section 14(c) of the Fair Labor Standards Act for the purpose of operating a program under which a youth with a disability is engaged in work at a subminimum wage;
 7. Criteria for determining and assigning programmatic roles and responsibilities of each agency for the provision of Pre-ETS and Transition Services to students with disabilities. The criteria may include:
 - a. Purpose of the service;
 - b. Customary service; and
 - c. Eligibility for services.
 8. Grievance procedure to resolve disputes between VR, OCB, and ODE, as appropriate, as well as procedures to resolve disputes between an individual with a disability and the entities specified above, and information about the Client Assistance Program managed through Disability Rights of Oregon.
 9. Nothing under title I of the Rehabilitation Act shall be construed as reducing a LEA's obligation under the IDEA to provide or pay for Transition Services that are also considered special education or related services and that are necessary for ensuring a Free and Appropriate Public Education (FAPE) to students with disabilities.

V. CONFIDENTIALITY ASSURANCES

This MOU requires the sharing of information, including required documentation and data between VR, ODE, and OCB. Information about clients of VR and OCB, and ODE held data regarding students from LEAs will be released in conformance with regulations governing confidentiality of personally identifiable information, including but not limited to the Federal Educational Rights and Privacy Act.

VI. RESPONSIBILITIES OF THE PARTIES

RESPONSIBILITIES GENERALLY

VR, ODE, and OCB agree they will:

1. 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, OCB and ODE.
3. Utilize a common message when sharing information to local VR and OCB offices and LEAs.

4. Post this MOU on their respective websites (or in a location readily available to each agency's staff).
5. Align policy and practice at the State and local levels 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 MOU to the following key stakeholders:
 - a. all LEA superintendents;
 - b. all directors of Special Education;
 - c. all VR administrative staff to include branch managers;
 - d. all OCB administrative staff to include policy and program officials;
 - e. all Tribal VR Directors;
 - f. the State Rehabilitation Council;
 - g. all Brokerage Directors;
 - h. the Office of Developmental Disabilities Services;
 - i. the Oregon Developmental Disabilities Council; and
 - j. other entities as identified by the parties.
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, VR, and OCB offices and facilitate seamless transition for students with disabilities from a FAPE to the provision of Vocational Rehabilitation services.
11. Collaborate with LEAs to provide, or arrange for the provision of, Pre-ETS for all students with disabilities in need of such services who are eligible or potentially eligible for services under the WIOA.

TRANSITION PLANNING

VR and OCB will:

1. Participate as available per School District in regular transition planning meetings and department meetings, when invited.
2. Attend meetings for the development of an IEP when invited, with appropriate consent and as resources allow. VR and OCB will not charge the schools or School Districts for staff to attend these meetings.
3. Provide transition and Pre-ETS materials to ODE and LEAs to distribute to students, family members, guardians and representatives.
4. In collaboration with LEAs, provide or arrange for the provision of Pre-ETS for all students with disabilities identified as requiring these services.
5. Determine the eligibility of all students with disabilities who have applied for Vocational Rehabilitation services within 60 days from the date of application pursuant to section

102(a)(6) of the Rehabilitation Act and the implementing regulations of 34 CFR 361.41(b)(1).

6. Develop an IPE which is consistent with and which takes into consideration the student-client's IEP transition planning goals, prior to exit and within 90 days of VR/OCB eligibility, unless an extension is approved.

ODE will:

1. Provide for transition planning by designated ODE personnel for students with disabilities that facilitates the development and implementation of their IEPs under section 614(d) of IDEA.
2. Develop an IEP which is consistent with and which takes into consideration the student-client's IPE with VR and OCB.

SERVICE DELIVERY

1. Through VR's Director (or designee), the parties will assure a biennial review of the outcomes and effectiveness of this MOU and make recommendations, policy changes, training activities, and modifications to this MOU. 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 and OCB will provide, when appropriate, in- service training for LEA staff, VR field staff, OCB 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. VR and OCB will be responsible for the development of the IPE; related community based technical/occupational skill training and associated costs, assistive technology devices, 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 and OCB will partner with the TVR in the identified service-delivery area to provide culturally relevant services.
4. VR and OCB 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 and OCB bear primary financial responsibility for these services, VR and OCB 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 and OCB will partner with the TVR in the identified service delivery area to provide culturally relevant services.
5. The parties will co-manage the Transition Technical Assistance Network (TTAN) that will work with high school to develop procedures for outreach and identification of students with disabilities who are in need of Transition Services including but not limited to Pre-ETS. 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.

VR and OCB shall:

1. Identify and promote outreach to students with disabilities who are in need of Transition Services for transition planning (including Pre-ETS) beginning when the student turns 16, however, outreach and Transition Services may begin when the student turns 14. Outreach to these students will include, at a minimum, a description of the purpose of the Vocational Rehabilitation program, eligibility requirements, 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, group orientations, and transition events. The parties will obtain, when necessary, a release of information from parent or guardian to assist in coordinating services.
2. Inform ODE staff through the TTAN about services provided by LEAs to aid in carrying out the provision of Pre-ETS 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 and OCB 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, VR, and OCB:
 - a. VRCs/Counselor Specialists such as those who work with intellectual and developmental disabilities and Transition
 - b. Youth Transition Coordinator
 - c. Transition Network Facilitators (TNF)
 - d. TNF/Pre-ETS Supports Specialist
 - e. Pre-ETS Coordinators
 - f. Branch Managers who will serve as the point of contact for local schools
5. 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 and OCB will inform eligible students that they have the choice to work with VR, TVR, or OCB separately or collectively.
6. Upon request from a LEA or ODE, provide technical assistance on how to identify potentially eligible students for services from VR/OCB and how to work with VR/OCB to provide Transition Services including the provision of Pre-ETS.
7. Determine eligibility for VR/OCB services and provide rehabilitation services to school-aged students with disabilities when referred by the LEAs.
8. Upon request from any party, the other parties will 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/OCB time-limited services.
9. Inform LEAs, students and their parents of the availability of the Client Assistance Program, a dispute resolution program available to VR/OCB clients and participants in rehabilitation programs receiving federal funding.
10. 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. Disseminate information

- regarding relevant training and workshops to ODE staff.
11. Provide consultation & technical assistance, using alternate means for participation when necessary (i.e. video or conference calls) to the schools to prepare students with disabilities for career opportunities.
 12. Upon request, participate in transition planning with schools to facilitate the development of IEPs for students with disabilities.
 13. Assure that IPEs are developed for students within 90 days of being determined eligible for Vocational Rehabilitation services.
 14. Collaborate in the planning, development, and implementation of systems change through:
 - a. grants;
 - b. legislative initiatives; and
 - c. other activities.
 15. Where appropriate, initiate collaborative partnerships that will be expanded to include:
 - d. University of Oregon (UO) Technical Assistance Providers (TAP),
 - e. Youth Transition Program (YTP),
 - f. Centers for Independent Living,
 - g. Department of Human Services,
 - h. Office of Developmental Disability Services,
 - i. the Oregon Health Authority,
 - j. Addictions and Mental Health,
 - k. Oregon Tribal Vocational Rehabilitation Programs,
 - l. parent advocacy organizations,
 - m. Local Workforce Investment Boards,
 - n. self-advocates universities and community colleges, and
 - o. Other community-based organizations.
 16. Encourage VR/OCB 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.
 17. Provide one assigned VRC to serve as point of contact for each LEA around the state.
 18. 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.

ODE shall:

1. Inform LEAs through TTAN, UO TAP, and YTP about services provided by VR or OCB to aid LEAs in carrying out special education obligations through programs such as the YTP, Supported Employment (SE), or any other relevant programs provided by VR or OCB.
2. Provide representation on the VR State Rehabilitation Council and relevant committee participation.
3. Assign an Education Specialist, TNF, or TNF/Pre-ETS Support Staff to facilitate linkages between LEAs, VR, OCB, and TVR:

- a. Upon request from LEAs or VR/OCB/TVR, ODE will provide technical assistance on how to identify potentially eligible students to work with VR/OCB/TVR providing needed Transition Services.
 - b. Establish and disseminate a procedure for LEA release of student information to VR/OCB/TVR.
 - c. Upon request, work with VR/OCB/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 completion of VR/OCB time-limited services.
 - d. Work with LEAs 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/OCB/TVR in an IPE.
 - e. LEAs will provide VR and OCB documentation of the completion of Transition Services and Pre-ETS to student with disabilities.
4. Collaborate in the planning, development and implementation of systems change through:
- a. grants;
 - b. legislative initiatives; and
 - c. other similar activities.
5. Where appropriate, initiate collaborative partnerships that will be expanded to include:
- a. University of Oregon (UO) Technical Assistance Providers (TAP),
 - b. Youth Transition Program (YTP),
 - c. Centers for Independent Living,
 - d. Department of Human Services,
 - e. Office of Developmental Disability Services,
 - f. The Oregon Health Authority,
 - g. Addictions and Mental Health,
 - h. Oregon Tribal Vocational Rehabilitation Programs,
 - i. Parent advocacy organizations,
 - j. Local Workforce Investment Boards,
 - k. Self-advocates universities and community colleges, and
 - l. Other community-based organizations.
6. Disseminate information regarding relevant training and workshops to VR/OCB training staff.
7. Encourage LEAs to collaborate in local community planning and implementation efforts that are focused on the transition of students with disabilities from school to post-secondary outcomes.
8. On request by any party, the other parties will provide information to VR/OCB/VR about eliminating mock sheltered workshops and vocational training programs in public education programs, approved private education, programs, and accredited postsecondary schools that are subject to ODE standards.

VII. LEAD AGENCY

ODE, VR, and OCB 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 and/or OCB services. ODE, VR, and OCB will be the State lead agencies that outline the roles and responsibilities for qualified personnel responsible for Transition Services within their respective agency.

While VR, ODE, and OCB 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, ODE, and OCB will work with individual tribes to coordinate Transition Services and when appropriate will independently negotiate needed agreements 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 MOU does not involve any financial compensation or exchange of funds between or from ODE, VR, or OCB. Any agreements that do involve the exchange or blending of funds will be done through other agreements separate and apart from this MOU.

I. DISPUTE RESOLUTION

1. ODE, VR, and OCB agree that when disputes arise they will work to resolve at the lowest level.
2. If a dispute cannot be resolved, including disputes over the development of recommended procedures, access to and availability of services will be brought to mediation using a state-contracted mediator. The mediator's fee shall be shared equally between ODE, VR, and/or OCB.
3. 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, an individual selected by OCB, and an individual selected by agreement of the parties.
4. The dispute resolution procedures in this MOU do not affect or diminish the procedural safeguards available to parents of children with disabilities under the IDEA or clients of VR/OCB under the Rehabilitation Act.

II. AMENDMENTS

The terms of this MOU shall not be waived, altered, modified, supplemented, or amended in any manner whatsoever, except by a written instrument signed by the parties.

III. TERMINATION CLAUSE

Upon thirty (30) days written notice, any party may terminate their involvement in this MOU at any time. If a party terminates their involvement in this MOU, the remaining parties'

involvement will continue.

IV. WRITTEN NOTICES

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

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

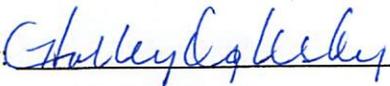
ODE: Candace Pelt
Oregon Department of Education Assistant Superintendent
Office of Student Services
255 Capitol Street NE
Salem, OR 97310

OCB: Dacia Johnson
Executive Director
Oregon Commission for the Blind
535 SE 12th Ave
Portland, OR 97214

V. SIGNATURES

This MOU is executed on behalf of the parties through the undersigned representatives on the dates indicated after their signatures.

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

By: 

Date: 11/07/19

Authorized Signature

HOLLEY OGLESBY

Printed Name

Title CONTRACTING OFFICER

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

By: 

Date: 11/5/19

Authorized Signature

KEITH OLSON

Printed Name

Title DIRECTOR

STATE OF OREGON, acting by and through the, Oregon Commission for the Blind:

By: Dacia Johnson

Date: 11/5/19

Authorized Signature

Dacia Johnson
Executive Director

Printed Name

Title